United States Court of Appeals for the Second Circuit



APPENDIX

74-2100

In The

United States Court of Appeals

For The Second Circuit

UNITED STATES OF AMERICA,

Appellee,

- against -

RICHARD PERRY and FORREST GERRY,

NO 2 5 1974

Appellants.

On Appeal from the United States District Court for the Eastern District of New York.

JOINT APPENDICES IN BEHALF OF RICHARD PERRY AND FORREST GERRY

Volume I, pp. A-1 - D-160

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73 CR1068 D. C. Form No. 100 CRIMINAL DOCKET FOR VALDES-TITLE OF CASE Kaplan-50 Court St. THE UNITED STATES UL %-7728 PETER VARIO, PORTEST GERRY JR., DEL INSKO, CATMINE Seymour Rothstein-Trvi 16 Court St. - B'klyn ARBATIELLO, WILLIAM GILMOUR, FRANK POPFINGER, KEN 524-7270 WEIGHER, KENNETH MC MUTT, WILLIAM HUDSON, MAURICE PUSEY, KGEORGE HOLDI, WILLIAM MYER, ELDON TURCOTTE, For Defendant: FOLDI-Walte Kenney-6050 Boulevard REAL CORMIER, DALE ROSS, ANTHONY ANNICHARICO, ANGEL CALANNA, HOWARD DRUSS, JERRY GUISTO, RICHARD PERRY W. N.Y. N.J. 07193 MICHAEL SHERMAN, MICHAEL TAMBURO, JOSEPH PULLMAN, (201) 869-3738 formatetvitness Pullmen CONSTANCE ROCERS, LOUIS VALDES, SEYMOUR ROTHSTEIN, Wigs Wasserstein GAYTHORIE ANGELL, JR., BRUNO FACCIOLO Bribery in a sporting contest AMOUNT ABSTRACT OF COSTS RECEIVED Fine, 10 000 1214 GERRY XXXX fine PERRY 10 5 Marshal, Attorney. Commissioner's Court, Witnesses, PROCEEDINGS Before BARTELS, J. - Indictment filed and ordered sealed- Bench warp 12-19-7 ordered-issued (26) Notice of Appearances filed (for defts ANNICHARICO, PUSEY, MYBR, OU ROGERS, HUDSON, INSKO, GERRY, TURCOTTE, POFFINGER, WEBSTER, GILMOUR 12/24/73 MCNUTT, VARIO, FACETOIO, And PERRY) (1) ungel Calaparo Notice of appearance filed. (it. TAMBURO) 12/24/73 Memorandum to Judge Judd from Magistrate Catoggio filed re:arraig 2-27-73 on lench warrants (inserted into this filed) Letter dated 12-27-73 from Nicholas Castellano filed that he will on behalf of deft Ross on 1-4-74 for pleading at which time he will a notice of appearance Before JUDD, J - Case called - defts. SHERMAN, GERRY, DRUSS, ROCE PULLMAN & TURCOTTE not present - Deft VALDES present without cour 1-4-74 ONLY COPY AVAILABLE

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	for trial us to all deris.	-	1-1	
-74	Notice of Appeal filed (CORMIER) (2) appearing		-	
-74			-	
-74	Notice of Appearance filed (ANGELL, JR) (22)		-	
-74	Notice of Appearance filed (INSKO) (21)			
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CRIMIT	NAL DOCKET 73 CR 1068 P. VARIO, et al VS U.S.A.
DATE	PROCEEDINGS
1/25/74	Notice of Motion ret. 2/1/74 filed re: on behalf of defte.
(36)	GILMOUR, BEN WEBSTER and KENNETH McNUTT for inspection of
	Jury Minutes and/or dismissal of indictment, ofc.
1/25/74	Notice of Motion of deft DEL INSKO to dismiss the indictment
(34)	ret. 2/1/74 with Memorandum of Support of Motion filed.
1-28-7	Notice of Motion/(deft ANGEL Jr) for Inspection, Bill of
(4	24 notice of Motion Illed
. ((deft CORMIER) ret. 2-1-74, for Inspection of Grand July Hander
-:>	Dismissal, Bill of Particulars, Discovery & Inspection, discover
	Flectronic Surgeillance and Suppressing evidence;
9 1-28-7	
1-28-7	Notice of motion for inspection of wiretap information file
400	(CONSTANCE ROGERS) (o Forest Gry In) Francy in motoring Co
1-28-7	
(35)	(ANNICHARICO, CALANNA)
1-28	-74 Notice of Motion filed on behalf of deft FOLDI, ret. 2-1-1
(39)	for various orders in joining in the requests for relief med
	several of the co-defts.
1-28-	74 Notice of Motion filed , ret. 2-1-74, for Inspection of Grand Ch
(41)	Minutes, Dismissal, Bill of Particulars, etc (VARIO & FACCIONA)
1-28-	74 Notice of Motion (deft Pusey& Wm. Myer) for dismissal of county
(38)	& Memorandum filed in Submix of motion etc. (ret. 2-1-74)
1-28-7	4 Notice of Motion filed , ret. 2-1-74, as to deft DEL INSKO, for
(43/	dismissal, for severance, Bill of Particulars, Discovery, etc.
(-)1-28-	74 Notice of/Motions filed and Memorandum of Law in support of
(36)	Pre Trial Motions (ret. 2-1-74) deft Richard Perry
49 2-1-71	Deft's Affidavit in support of motion to dismiss filed (INSKO)
48 2-1-7	
430 2-1-	
2-1=	74 By JUDD, J - Order filed that the motions to deferred, motion
(+B) -	be denied; that the motions for severance are deferred; motion
0	disclosure of records of grand jury votes and attendance is given the information to be furnished by 2-8-74; motion to require
	Govt to affirm or deny the existance of electronic surveilland
,	other than as already disclosed is granted as to the Dept. of
	Justice, F.B.I. the I.R.S. and any New York Police agencies
	cooperating in these matters; motions for evidentially hearing
	on suppression or identification are deferred until the time
	on suppression of Identification

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D. C. 109

DATE	
	Govt shall fine within one wee supplemental bill of particulars, etc;
	That the Commaining issued of the motion for particulars and discovery are
	referred to U.S. Magistrate Vincent Catoggio, with directions to 18sue
	his recommended decision by Feb. 11, 1974, the Gove to comply with any
	specified measures of discovery without delay by reason of any request
	for review by this court; and that any objections to the report of the
(4A)	Magistrate be heard at 11:00 am on Feb. 22, 1974,
2-1-74	Supplemental affidavit filed on behalf of deft REAL CORMIER.
-4-74	Tafore JUDD, J - case called - defts not present - all counsel present
	except Arthur Smith & Fred Stella - all motion except those for
-	discovery and Rill of Particulars argued - motions dealing with vague
	ness: inspection of Grand Jury Minutes and dismissal are denied-Decision
·	Reserved on motions for severance and for release of wire-tap orders.
· —	All suppression motions adid to Mar. 18, 1974; Wade Hearing set for
1	Mar 18 1974: all discovery and bill of particular motions referred to
	Judge Catoggio: case adid to 2-22-74 at 11:00 am for Di Berry Hearing and
e	for any exceptions to Judge Catoggio's report to the Court on the Motions.
-	Case adjd to 2-7-74 at 2:00 PM as to deft ANNICHARIO for assignment of
	counsel.
1-(3)	Peeliminary Report of Magistrate Respecting Motions, filed.
2-5=14	Govt's Memorandum of Law filed
*	Stangarphens Transcript dated 2-1-74 filed (5 2)
2-8-74	Before JUDD, J Case called - Deft ANTHONY ANNICHARIO and counsel present
2-8-74	Deft's motion to have CJA panel counsel substituted for previous counsel
4	Orden ennointing counsel signed- case adju to 2-10-14 101 011111
5	By JUDD, J Order appointing counsel filed (ANTHONY ANNICHARIO)
-2015-	di gotte gumnlements hill of particulars filed (54)
2-16-7	no upp I - Order filed pursuant to Rule 4 of the General Autes
	of this Court, that Jacob P. Lefkowitz, Esq. of 150 Broadway, Mic. De
-(55)	substituted as attorney of record for deft Richard Perry in the place
10	6 red Wingard Fog (Order signed Feb. 16, 1974 but filed Feb.19,19/40)
2-22-7	of Feb 11 1974 and Memorandum of Reb. 13, 1974 1229
W-CVE	received from Chambers from Vincent Catoggio, o
5 2-22	-74 yVanekexxfexBy JUDD, J - order apptg counsel filed (JERRY GUISWY) > J/
*	The war of the filed (received from Chambers)()
2-22-7	Memorandum filed in support of defts discovery motion (recva 110
2-22-7	Con I wondered from Chambers one dated 2-19-/4 Irom Stemen Jens
1000	The Roy councel for deft Giusto and one dated reb. J, 177
10.10	Mymen, Esq Counsel Lot S. Magistrate from Wm. McDaniels, Esq.
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(2)	

DATE	PROCEEDINGS
2-22-74	Before JUDD, J Case called - Defts and counsel except for Mr. Leone
	and Mr. Lovine present - Deft Rodgers motion to sever granted - Constant
	Rodgers severed- Motions heard on Magistrates report to Court on dis-
	covery motions- DeBerry Hearing held as to defts Vario and Facciole
2-26-84	All other DeBerry Hearings adjd to 3-4-74 at 2:00 P.M. Bill of Particulars filed., by the Govt. 63
	Govts Notice of Readiness for trial filed. (64)
2-27-74	By JUDD, J - Order filed that motion for adjournment is denied
2-21-14	and that all counsel and defts in the matter except those as
	to whom a specific severance has been granted shall appear for
	trial on March 18, 1974 at 10:00 A.M. (65)
-27-74	Stenographers transcript filed dated Feb. 22, 1974. (6)
4-74	Before JUDD, J Case called- Defts and counsels present- DiBerry Hea
-1-1-	ing held and concluded- Case adjd to 3-18-74 for traal (GTLMCUR, WRE
	MCNUTT- PUSRY, MYER- ABBATIELO, POPFINGER, ROSS, TURCOTTE)
346-74	Notice of motion to preclude the Govt from offering into evidence wi
	respect to each and all of the items demanded in the bill of particular
	etcfiled- ret. 3-183474 (HUDSON) (67)
3-6-74	By JUDD, J Order filed that the bail limitations imposed than the travel are extended to include Louisianna and Texas (ROGERS)
3-7-74	Notice of motion to dismiss the indictment, etc. and memorandum of 1
	in support of motion filed- ret. 3-8-74 (insko) (3)
3-8-74	Before JUDD, J - case called on motion for dismissal of the
	Indictment (DEL INSKO) motion argued - motion denied -counsel
	Stephen Lang present.
3-8174	Before JUDD, J - case called - counsel Wm. Merritt present -
	motion to preclude argued - motion granted in part and denied
	in part as indicated on the record (WM, HUDSON)
3-11-	74 Before JUDD, J - case called - deft DEL INSKO not present -
	counsel Mr. McDaniels present - hearing held and concluded
	on defts motion concerning number of grand jurors concurring
	in the return of the above captioned indictment - motion to
	dismiss indictment denied.
3-14-74	Govt's supplemental bill of particulars filed (69)
3-15-74	Before JUDD, J - case called - deft DRUSS & counsel Kalman
	Gallup present - defts motion to sever, etc. Motion granted -
	adjd without date for trial as to deft DRUSS.

DATE	
	PROCEEDINGS
3-15-7	Notice of Appearance filed (CALANA) (70)
3-18-7	
3-18-74	
-18-74	Before JUDD, J - case called - defts & counsels present except for
	deft SHERMAN who is reported a fugitive - Order signed apptg counsel
	for deft. TAMBURO. Trial ordered and BEGUN - all defts remark all
,	motions to dismiss - Motions denied - Jury selection begun . d contd to
_	3-19-74.
3-19-74	Before JUDD, J - case called - defts & counsels present - Jury
· .	selection contd - Jurors selected and sworn - Govt opens - deft Cormie
_	deft Hudson's motion to dismiss and deft Gusto's motion to dismise
	Motions denied - all defts open except for defts ANNICHARIO, FOLDI
	GUISTO. Trial contd to Mar. 20, 1974.
3-20-74	By JUDD, J Ordered that Richard Friedman esq. be substituted by Walter
	Kenney, Esq. as attorney for deft George Foldi (73)
3-30-7	
	Defts' motion for mistrial-motion denied- Wade hearing held as to the
	dentification of deft Guisto-Deft Guisto's motion to suppress denied
,	Order appointing counself or deft Louis Valdes signed-Trial contd voice
	3-21-74
3-20-7	By JUDD, J Order appointing counsel filed (VALDES) (74)
3-81-74	Deft Cormier's questions for the jury voir dire filed- Notice with rese
	to particularsfiled (Hudson) - Memorandum of Law in support of motion
	to exclude as evidence againtst deft Insko the word and action of co-con
1	spirators occuring after 4-13-74 filed
3-21-74	Refore JUDD, J Case called - Defts and counsel present - Trial resumed
-	Defts' motions for mistrial-all motions denied-Trial contd to 3-25-74
-22-74	Before JUDD, J - case called and adjd to 4-26-74 for sentencing
	(Rothstein)
3-25-74	Before JUDD, J - case called - defts & counsels present - Juror #1 reported ill - hearing held and concluded on admissability of certain
-	govt exhibits - defts motions to exclude charts prepared by Govt is
£	
200 7/	denied - trial contd to 3-26-74. Before JUDD, J - case called - defts & counsels present - trial
3-26-74	
<u>. </u>	resumed - Trial contd to Mar. 28, 1974.

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(A)

DATE	PROCEEDINGS
3-27-74	Before JUDD, J Case called - Defts and counsel present - Trial
	Trial contd to 3-28-74
(8)	Magistrate's files 73 M 1887, 1888, 1889, 1890, 1891, 1892, 1893 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905
	1907, 1908, and 1920 inserted into CR file. Before JUDD, J - case called - defts & counsels present - Tria
	resumed - trial contd to 4-1-74.
4-1-74	Before JUDD, J - case called - defts & counsels present - trial resumed - deft TAMBURO's motion for mistrial - Denied - Trial continued to 4-2-74
4-2-74	Voucher for Expert Services filed (MICHAEL TAMBURO)
4-2-7	A Refere UDD I - case called - detts & counsels present
	resumed - Deft GRAY's motion for mistrial - denied - del
	held and concluded as to deft VARIO - deft VARIO'S motion to
	suppress denied - Trial contd to 4-3-744
/ 2 7/	. filed supplementing deft Insko's 'response's
4-3-74	the Govts Memorandum of Law on the Admissibility of Gerry's
4	Admiceione
4-9-74	Before JUDD, J - case called - trial resumed -Juror #12
	reported ill - case adjd to 4-4-74 by consent of the
	main to be contd to 4-5-74.
4-4-74	Before JUDD, J - case called - trial resumed - Trial contd
	1 2 207/
4-8-74	Before JUDD, J - case called - defts & counsels present the trial resumed = all defts move for mistrial- motions denied - Wade.
	resimed = all defts move for mistral more to the resime conclu
	Hearing begun as to defts McNutt, Myer & Gerry -Hearing conclu-
	Defts motions to suppress identification of defts McNutt, Myer
	Gerry denied - trial ontd to 4-9-74.
4-9-74	resumed in absence of Jury - wade Hearings begun
	move for mistrial - Motions denied - Trial contd to 4-10-74.
	filed
4-10-7	Deft INSKO's Memorandum of Fact XXXX and law on
80) 4-10-7	of alleged co-conspirator statements.
4-10-	Refore JUDD, J - case called - delts & counsels property resumed - Wade Hearing concluded - all motions to suppress
1	resumed - Wade Hearing concluded - all moreons
	denied - Trial contd to 4-11-74 at 9:30 am.

DATE	PROCEEDINGS
8-11-74	Before JUDD, J Case called - Defts and counsel present - Trial resume
	Deft's motion for mistrial denied- Trial contd to 4-15-74 at 9:30 1.M.
-15-74	Before JUDD, J - case called - defts & counsels present - Trial
	resumed - deft ABBATIELLO's motion for mistrial - motion denied -
	trial contd to 4-16-73 at 9:30 am.
-16-74	Before JUDD, J - case called - defts & counsels present - trial
	resumed - defts motion to have witness' testimony stricken because
	of mental incompetence - motion denied - deft CALANNA'S motion for
	mistrial denied - Order for Expert Services signed as to deft GUISTO.
	Defts motion for mistrial - motions denied - trial contd to 4-17-74
	at 9:30 am.
	Christments Bill of Particulars filed (8)
17/74	Before JUDD, J Case called- Defts and counsel present- Trial resumed-
	Trial to resume on 4/48/74 at 9:30 A.M.
18-74	Before JUDD, J - case called - defts & counsels present -Trial
	resumed - trial contd to 4-19-74.
-18-74	Voucher for Expert Services filed (Michael Tamburo)
-19-74	Before JUDD, J - case called -defts & counsels present - Trial
20.74	Authorization for Expert Services filed signed by Judge Jude
-19-74	re deft JERRY GUISTO.
+22-74	Refore IIDD I - case called - defts & counsels present - trial resuped
5	Defts motion for mistrial - motions denied - trial contd to 4-23-74
2 T	at 9:30 am.
23-74	Before JUDD, J - case called - defts & counsels present - trial
914-7	
24-74	Before JUDD, J Case called - Defts and counsel present-Trial resumed
5	Defts' motions to have prior similar acts excluded and suppressed- Motion
24-74	argued-motions denied-All defts move for severance-motions denied-Defts
£.	motion to dismiss on basis of prosecutorial misconduct-In camera discussi
¢	held in chambers re:defts' motion-Hearing begun on defts motions to dism
	and on defts charges of prosecutorial misconduct
4-25-7	4 Before JUDD, J - case called - defts & counsels present - trial resumed
*	all defts motion to dismiss and/or for mistrial are denied - deft
	POPFINGER's motion for severance - motion granted. Deft PERRY'S motion
	for mistrial - denied - trial contd to 4-29-74., at 9:30 am.
126-74	Before JUDD, J Case called- Sentencing adjd to 5-3-74 (SEYMOUR ROTHSTEIN
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DATE	PROCEEDINGS
4-29-74	Before JUDD, J - case called - defts & counsels present - trial
	resumed - trial contd to 4-30-74 at 9:30 am.
4-30-74	
4-30-74	Before JUDD, J - case called - defts & counsels present - Triel
2/1/2	resumed - Orders appointing counsel signed as to severed defts-
(60)	Trial contd to May 1, 1974 at 9:30 am.
GV 4-30-74	By JUDD, J Order appointing counsel filed (SEYMOUR ROTHSTEIN)
5-1-74	
	filed. (83)
5-1-74	
5-1-74	Before JUDD, J - case called - defts & counsels present - hearing
	held on admissability of statistical testimony - hearing
	concluded - defts motion to suppress are denied - defts motion
	mistrial -motion denied - Order of immunity signed as to Pulland
	trial editinued to May 2, 1974 at 9:30 am.
5-1-74	Ewusted, for- Order appointing counsel filed (Witness-Pullman)
5-2-74	Before JUDD, J - case called - defts & counsels present-Trial
	resumed - trial contd to May 6, 1974 at 9:30 am.
5-3-74	Before JUDD, J Case called - Deft and counsel present - Fift's
	withdraw plea of guilty argued- Decision reserved pending submission
	further papers- Case adjd to 5-10-74 at 3:00 P.M. (SEYNOUR ROTHS
5-6-74	
₹ 5-6-74	Voucher for compensation of counsel filed (Tamburc) S. Friedman
5-6-74	Before JUDD, J Case called- Defts and counsel present- Trial re
	Trial contd to 5-7-74 at 9:30 A.M.
5-7-74	Voucher for Expert Services filed (Tamburo) Leo Rashkin, Reporter
5-7-74	Refore JUDD, J - case called - defts & counsels present - trial
	resumed - Trial contd to May 8, 1974 at 9:30 am.
5-8-74	
	the Court on May 8, 1974, (85)
5-8-74	* Services
5=9-74	Before JUDD, J - case called - defts & counsels present - trial
	resumed - Govt rests - Deft Gerry's motion for judgment of
	acquittal - motion argued and denied - defts' ANGEL, GIUSTO,
	TAMBURO, ANNICHARICO, PERRY, CALANNA, motions for judgments of
	acquittal - Motions argued - Decision Reserved - further motions
	contd to May 9, 1974.
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DATE	PROCEEDINGS
5-9-74	Before JUDD, J Case called- Deftasadd counsel present-Trial remained
	Deft FACCIOLO moves for Judgment of Acquittal- motion denied- Decision
	on motions of 5-8-74 to dismiss indictment/granted as to deft TAMBUROL
	denied as to deft PHRRY, ANGELL, GUISTO, CALANNA, ANNAGHARIO and VARIO-
	Deft Vario's motion to strike from record Cussells testimony denied-
	Deft Insko's motion 60 dismiss denied-dert CORMIER'S motiontto dismiss
-	denied-Deft FOLDI'S motion for a Judgment of Acquitthe granted- Deft HUD-
P	SON'S motion to dismissal granted-Deft PUSA 'S motion for dismissal granted
	Defts MYER'S and McNUTT'S motions for judgment of acquittals denied-Beft
	WEBSTER'S motion to dismiss granted-Deft GILMOUR'S motion to dismiss design
```	Deft ROSS'S motion to dismiss-decision reserved-Govt's motion to mismiss-
	trail until 5-13-74 so that govt may reppen its case- decision reserved
7	Deft TURCOTTE'S and ABBATIELLO'S motions to dismiss denied-Trial costs
	to 5-13-74
5-0-74x	x xillyr x ividility alover x charles on x x color (ich anche seath) x x 0000 (ich anche seath) x x 1000 (ich anche seath) x 1000 (ich
5-9-74	By JUDD, J Judgment of Acquittal filed (FOLDI) TAMBURO, NUDSON, FUGB.
	& WERSTER) (36)
5-19-74	Before JUDD, J Case called - Defts and counsel present - Hearing begun
	on deft Rothstein's motion to withdraw plea of guilty-Hearing conclude
	Doffie motion to withdraw plea is denied-Deft sentenced to imprisonment
a ·	for 1 year and 1 day-execution of sentence is suspended and the dert is
	placed on probation for 3 years- Special condition of probation is the
	the deft take no part in gambling or attend recetracks. On motion of 1.0
4	Myerson count 1 is dismissed (SEYMOUR ROTHSTEIN)
5-10-74	and the stand contified content to Probation Reg
7.0	STRIN)
5-13-	Refore JUDD, J - case called - defts & counsels present - trial
,	recurred - deft Ross' motion for Judgment of Acquittal is denied -
1	Govts motion to reopen is granted - Trial contd to May 14, 1974.
5-14-7	2 Vouchers for expert services filed
514-7	The same of the sa
15	Trial contd to 5-15-74 at 10:00 A.M.
5-15-7	Stenographers transcript filed dated May 10, 1974. (ROTHSTEIN)
5-15-7	Before JUDD. J Case called - Defts and counsel present-Trial resumed -
A.	Defts' Perry's and Gerry's motions to play the tapes (KKK, LLL, MMM)
24	angued Decision reserved. Memos, of law to be submitted on playing of
	tames without authenticated transcripts-Govt rests on its re-openie
	All defts renew all motions previously made for dismissals and for judg
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DATE	PROCEEDINGS
I	of acquittal- Motions argued- motions denied-Trial contd to 5-16-
	9:30 A.M.
5-15-74	Supplemental memorandum of lawfin support of INSKO'S MIRION for
	of acquittal for failure to prove a federal crime (88).
5-16-7	
	resumed - Trial continued to May 20, 1974., at 9:30 am .
5-20-74	Letter from Jules Wasserstein, esq. to chambers dated 5-17-74 Td.
,	re: deft PULLMAN
5-20-74	Before JUDD, J - case called - defts & counsels present Trial resumed - Juror #11 replaced by Alt. #1- Trial contd to the land.
	at 9:30 am.
5-21-74	Before JUDD, J - case called defts & counsels present - tri
	resumed - Defts CALANNA, ANGEL, ABBATIELO, ROSS rest - Trial
0	contd to May 22, 1974 at 9:30 am.
5-22-84	Before JUDD, J Case called- Defts and counsel present- Trial
	All Defts rest- Govt opens on rebuttal- Govt rests- Both side r
	All defts renew all motions previously made for discissals and
	judgments of acquittal- Motions argued- motions denied- Des P
	motion to reopen the deft's case in order to play the take to the
	the jury- motion withdrawn- Trial contd to 5-23-74 at 9:30
5-23-74	Before JUDD, J Case called- Defts and counsel present- Trial re-
	Deft GERRY'S motion to reopen his case- motion argued-
	Deftt PERRY sums up- Deft MYERS sums up- Deft GUISTO sums up-
	sums up- Deft CALANNA sums up- Trial contd to 5-28-74 at 9:30
5-28-74	
1-	resumed - defts ANTICHARO, GERRY, CORMKER, MCNUTT, GILMOUR,
	FACCIOLO, VARIO sum up - trial continued to May 29, 1974 at 9:30
5-29-74	
5-39-74	
5-29-74	
	Defts Turcotte, Ross Abbatiello and Insko sum up- Govt begins
	Trial contd to 5-30-74 at 9:39 A.M.
5-30-74	
	resumed summation - Judge charges Jury - Marshals sworn - alterna
	discharged - Jury retires to deliberate at 12:40 PM - Order of
	Sustenance signed - Jury returns at 1:40 PM to hear additions to
	Judge's charge and to listen to testimony read back - Jury remains
-	deliberations at 2:00 FM. Trial continued to May 31, 1974 @ 9:30
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DATE	PROCEEDINGS
5-30-74	By JUDD, J Two orders of sustenance filed
5-31-74	By JUDD, J Order of sustenance filed
5-31-7	Stenographers Transcript dated 3-8-74 filed (39)
5-31-74	Before JIDD J - case called - defts & counsels present -Trial
	resumed - Jury resumes deliberations at 9:10 am - Jury returns at 9:40 am
	to hear further testimony redd back - Jury resumes deliberations at
	10:45 am - Order of sustenance signed - Jury returns at 12:20 PM for
	instruction as to deft ANNICHARICO - Jury resumes deliberations at
<u> </u>	12:30 PM - Jury returns at 2:35 PM to hear testimony read back - Jury
r	returns at 3:00 PM and renders a verdict of guilty as to deft GERRY on
İ	counts 1 and 2 and guilty as to defts PERRY on counts 1 and 2; not guilty
<b>!</b>	as to defts. ANGELL, ANNICHARICO, CALANNA, FACCIOLO, GIUSTO, VARIO 5
-	MYER on counts 1 and 2- Jury polled as to defts GERRY & PERRY - Bail'
<u> </u>	exonerated as to defts. ANGELL, ANNICHARICO, CALANNA, FACCIOLO, GUISTO,
<b> </b>	VARIO MYER. Judgments of Acquittal ordered as to defts ANGELL, ANAICHARING
<u> </u>	CALONNA, FACCIOLO, GIUSTO, VARIO & MYER. Bail centd as to deft PERRY. Bail
ķ	as to deft GERRY set at \$50 000 surety bond; \$25 000 surety be made by
<u>}</u>	2 Noon on June 1, 1974 and the additional \$25,000 surety bond to be made by
]	June 7 1974. Jury returns at 4:45 PM to hear a correction to the Judge 1
-	charge - Jury resumes deliberations at 4:46 PM. Jury note marked Ct. Ex 415
5-31-74	Jury deliberations contd to June 1, 1974 at 10:00 AM.  By Three' Orders of Sustenance filed
6-1-74	Before JUDD, J - case called - defts & counsels present - Jury resumes
	deliberations at 10:00 am. Deft GERRY's motion for an extension of time
•	to post \$25,000 surety bond to June 3, 1974 at or before 3:00 PM. granted.
12.	Defts GERRY's motion for reduction of bail granted (2nd surety bond in
-	the amount of \$16 600.00 to be posted on June 7, 1974. Order of
, 0	Sustenance signed - x Jury returns at 4:00 P.M. with partial verdict
-	(5 defts)Defts ABBATIELLO, CORMIER, GILMOUR, MCNUTT, TURCOTTE all not
<u> </u>	guilty on both counts. Jury retires for further deliberation - Jury return
<u> </u>	with a final verdict at7:55 PM and finds defts DEL INSKO and ROSS not
2:	guilty on both counts . Order for transportation signed - Jury discharged
-	Trial concluded.
6-1-74	By JUDD, J - 3 Orders of Sustenance filed.
6-1-74	By JODD, J - Voucher for compensation of counsel filed (ROTHSTEIN)
1	( Irving Engel Esq )
5-31-74	
-	CALANNA, FACCIOLO, GIUSTO, VARIO & MYER.
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DATE	PROCEEDINGS
6-1-74	By JUDD, J - Judgment of Acquittel filed (COMMIER, GILHOUR OF
0-1-74	MCNUTT, TURCOTTE, and ABBATIELLO.) DEL INSKO & DALE ROSS)
6-3-74	
6-3-74	(deft FORREST GERRY JR) to require a surety bond of \$25,000 to
	be furnished on June 3 1974 and an additional \$16,600 to be
(92)	furnished on June 17, 1974, unless otherwise ordered; and it is
	further Ordered that the sum of \$5,000 heretofore deposited with
<u> </u>	rurcher Ordered that the summer to, 10 1973 he Power Political
	the Clerk of the Court on Sept. 10, 1973, be Edward Soblet
	on behalt of Mr. Gerry, be released to the surety on the new to
	bond, to constitute part of the security on that bout
6-4-74	Voucher for compensation of counsel filed (deft Pullmen)
	atty Jules Wasserstein, Esq.
6-4-74	By JUDD, J -Order of Transportation filed (received June 4 19
	but dated and signed June 1, 1974)
(93) 6-4-74	By JUDD, JOrder of 3-30-74 granting immunity to Marvin Program
(qu)6-5-74	By JUDD, J - Order filed dated May 30, 1974 that the Jurors
(44)	than Juror N. 2) shall be sequestered, etc. (see Order for detail
-10-74	Wayshan for expert services filed(GUTSFO)
6-14-74	Refore JUDD. J - case called on bail hearing - delt Foundation
	and counsel Edward Babbick present - Bail reduced from Ship
D 0	to \$40,000.00.
6-17-74	Before JUDD, J Case called- Deft GERRY and counsel E. Bobis
0 21 1	present- Deft's motion for extention of time to post bail-
17	Bail to be posted at or before 6-20-74 at 2:00 P.M.
6-21-74	Voucher for compensation of counsel Lawrence Hochheiser filed
0-21-74	(deft Guisto)
6-21-7	1 11 Towns 641 od 11 to have
0-21-7	(deft Annichario)
	Santa Marchal Manlan filed
6-25-74	(deft Louis Valdes)
6-28-7	Before JUDD, J Case called - Add for sentencing to 7-557 PERRY and GERRY - Deft Frank Popfinger not present - On motion
	Pollack the indictment is dismissed as to deft Popfinger
6-28-7	By JUDD, J Order of dismissal lifed
7-9-74	Magistrates file 74M551 inserted into CR file 96
7-11-74	Before JUDD, J - case called - defts Pullman & Druss present with counsel - all other defts not present - case adjd to July
	1974 at 2:00 PM as to defts Rogers, Valdes & Sherman and to
	1974 at 2:00 PM as to delts Rogers, values
D. C. 1	os as to defts Druss & Pullman. Ala

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DATE	PROCEEDINGS
7-12-74	Before Judd, J Case called - Deft & counsel present- Deft's motion for 1 wk adjournment - Motion argued - Motion granted- Case adj'd to 7/19/74 @ 10:00 A. M Bail Cont'd. (Forrest Gerry, Jr. Deft. & E. Bobick, counse
7-16-74	Magistrates proceedings filed received from the Central District of Cal. (deft Michael Sherman)
7-15-74	
	present = deft arraigned and enters a plea of not guilty + Govts
	motion to increase bail from \$125,000 to \$250,000 -motion argued -
<u> </u>	bail set at \$150,000-case adjd to 9-16-74 for trial.
	4 Stenographers transcript filed dated July 15, 1974. (MICHAEL SHERMAN) 981
7-18-74	Motion for a new trial (Perry) or for Judgment of Acquittal qq
7-19-74	Before JUDD, J Case called- Deftsand counsels present- Deft Gerry's menti
11	or adjournment- motion denied- Deft's motion to set aside verdict and form
1	judgment of acq-uittal- motions denied- Deft GERRY sentenced to imprisonment
т-	for a period of 4 years to run concurrent on counts 1 and 2- deft fine
£	on each of counts 1 and 2 and execution of sentence stayed pendang arrichted
	Deft advised of his rightsto appeal- Bail conditions sent at \$40.000 Sures. Bail limits extended to the continental U.S. and Puerto Rico- Bert Puerto.
	motion to set aside jury verdict- motion argued and denied- Deft Frank
*:	sentenced to imprisonment for a period of 2 years pursuant to T-18, U.S.
	Sec. 4208(a)(1) with eligibility for parole after 6 months to run sonour
-5	on counts 1 and2- Deft fined \$10,000 jointly and severally on counts last
-	2- Execution of sentence staved pending appeal. Deft edvised of his right
*	to appeal- Govt's motion to increase bail- motions argued- Bail set at
7-19-74	at \$10,000 Surety Bond to be posted within 1 week  Judgments and Commitments filed- certified copies to Marshal (GERRY and 2)
7-19-7	
102	acquittal- reasons stated on the record (order on back of motion papers)
₹ 7-25-	74 Before JUDD, J - case called - adjd to 9-16-74 (for conference)
	(defts ROGERS, VALDES & SHERMAN)
7-26-74	Notice of appeal filed (GERRY) (fly)
7-26-74	Docket entries and duplicate of notice of appeal mailed to c of a (GERRY)
7-86-74	Before JUDD, F Case called - Counsel present - Conference held and conclude
	Case adjd to 9-3-74 for triel or disposition(DRUSS and PULLMAN)
7-29-74	motion for reduction of bail - motion argued- Bail reduced to \$100,000
'	Surety Bond with Nebia Mearing if surety is approved. Case adja to 9-16-7
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DATE	PROCREDINGS
-5-74	Orders received from court of appeals and filed that records be
	on or before 8-15-74 (PERRY and GERRY) 103
-6-74	74 M 1069 inserted in criminal foled (Richard Perry) 104
8-6-74	Stenographers transcript filed dated July 29, 1974 (SHERMAN) / O
	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1
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DATE	PROCEEDINGS
3-5-74	Orders received from court of appeals and filed that records be docketed
	on or before 8-15-74 (PERRY and GERRY)
3-6-74	74 M 1069 inserted in criminal foled (Richard Perry)
3-6-74	Stenographers transcript filed dated July 29, 1974 (SHERMAN)
-14-74	Record on Appeal certified and mailed to the C of A (PERRY)
-29-74	Acknowledgment received from the Court of Appeals for
	receipt of Index to Record filed (defts Perry & Gerry)
9-3-74	Before JUDD, J Case called- Deft DRUSS present with counsel- Deft Pullman
	not present- On motion of A.U.S.A. Pollack the indictment is dismissed as
	to deft Rogers, Valdes and Durss- Case adjd to 9-16-74 at 10:00 A.M. as to
	deft Pullman
9-3-74	By JUDD, J Orders of dismissal filed (ROGERS, VALUES, DRUSS)
9-4-74	Stemographers Transcripts dated March 11,18,19,20,25,26,27,28- April
	1,2,3,4,8,9,10,11,15,16,17,18,19,22,23,24,25,29,30- May 1,2,6,7,8,9,13
)1	14,15,16,20,21,23,23,28,29,30,31 and June 1 1974 filed
9-9-74	Notice of Appearance filed (Sherman)
9-9-74	Before Judd, J - case called - deft Michael Sherman & counsel
,	Harry Youtt present - deft after being advised of his rights and
	on his own behalf enters a plea of guilty to counts 1 and 2 -
	adjd without date for sentencing - defts motion for reduction of
	bail - reduced to \$25,000 surety bond.
/16/74	Before JUDD, J Case called- Adjd to 9/24/71 (J. PULLAMAN)
9-20-74	Before JUDD, J Case called- Witnes: Marvin Proman and counsel Andrew
	Fisher present- Witness's motion to qual houbpoena-Govt consents- moti
	Withersxmetienxtexeum granted
	RIINEASXINIAINA SECULES
-	
	1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-
D. C. 109	A16

MENT AND COMMITMENT (Rev. 2-68)

#### United States District Court

EASTERN DISTRICT OF NEW YORK

FILED IN CLERK'S OFFICE U. S. DISTRICI COURT E.D. N

United States of America

73 CR 1068

JUL 1 9 **1974** 

TIME A.M.

FORREST GERRY JR.

M'FILMED

, 19 74 came the attorney for the On this 19th day of July government and the defendant appeared in person and with counsel, Edward Bobick

It Is ADJUDGED that the defendant upon bixpkxxxxx a verdict of guilty

has been convicted of the offense of violating T-18, U.S.Code, Secs. 224, T18 -271 & 2, in that on or about and between Jan 1, 1973 and the date of this indictment, both dates being approximate and inclusive, the defendant, with others, did wilfully conspire to carry into effect a scheme in commerce to influence by bribery sporting contents, to with the outcome of harpess races at Yonkers Raceway and Roosevelt Raceway, with knowledge that the purposes of such scheme was to influence by bribery the aforesaid sporting contents

in counts 1 & 2 as charged3

and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of 4 years to run concurrent o counts 1 and 2. The defendant is fined \$10,000.00 on each of counts 1 and 2 and execution of sentence is stayed pending appeal

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

Court recommends commitment to

Clerk.

Insert "by [name of counsel], counsel" or without counsel; the court advised the defendant of his rights to counsel and asked him whether he desired to have counsel appointed by the court, and the defendant thereupon stated that he waived the right to the assistance of counsel." Ansert (1) "guilty and the court being satisfied there is a factual basis for the plea," (2) "not guilty, and a verdiet of guilty," (3) "not guilty, and a finding of guilty," or (4) "noto contenders," as the case may be. Insert "in count(s) number "if required "Enter (1) sentence of sentences, specifying counts if any; (2) whether sentences are to run concurrently or consecutively and, if consecutively, when each term is to begin with reference to termination of preceding term or to any other outstanding unserved sentence; (3) whether defendant is to be further imprisoned until payment of the fine or fine and costs, or until he is otherwise discharged as provided by law. Enter any order with respect to suspension and probation. For use of Court to recommend a particular institution.

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### U. S. DISTRICT COURT E.D. N.

EASTERN DISTRICT OF NEW YORK

JUL 191974

United States of America

No. 73 CR 1068 TIME A.M.

RICHARD PERRY

M'FILMED

, 1974 came the attorney for the day of July On this 19th government and the defendant appeared in person and with counsel, Jacob Lefkowitz

It Is Adjudged that the defendant upon bixxxxxxxX a verdict of guilty

has been convicted of the offense of violating T-18, U.S.Code, Secs. 224, 371 & 2, in that on or about and between Jan. 1, 1973 and the date of the filing of this indictment, both dates being approximate and inclusive, the defendant, with others, did wilfully conspire to carry into effect a scheme in commerce to influence by bribery sporting contents, to with the outcome of harness races at Yonkers Raceway and Roosevelt Raceway with knowledge that the purposes of such scheme was to influence by bribery the aforesaid sporting contents

> in counts 1 and 2 as charged³

and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT Is ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of 22 years with eligibilty for parole after 6 months to run concurrent on counts 1 and 2. The defendant is fine \$10,000.00 jointly and severally on counts 1 and 2 and Execution of sentence is stayed pending appeal

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

States District Judge.

The Court recommends commitment to

**Insert "by [name of counsel], counsel" or without counsel; the court advised the defendant of his rights to counsel and asked him whether he desired to have counsel appointed by the court, and the defendant thereupon stated that he waived the right to the assistance of counsel." Insert "(1) "guilty and the court being satisfied there is a factual basis for the plen," (2) "not guilty, and a verdict of guilty," (3) "not guilty, and a finding of "if required guilty," or (4) "nolo contendere," as the case may be. Insert "in count(s) number "if required guilty," or (4) "nolo contendere," as the case may be. Insert "in count(s) number "if required guilty," or (4) "nolo contendere," as the case may be. Insert "in count(s) number "if required guilty," or (4) "nolo contendere," as the case may be. Insert "in count(s) number "if required guilty," or (4) "nolo contendere," as the case may be. Insert "in count(s) number "if required guilty," or (4) "nolo contendere," as the case may be. Insert "in count(s) number "if required guilty," or (5) whether sentences are to run concurrently or consecutively and, if consecutively, when each term is to begin with reference to termination of preceding term or to any other outstanding unserved sentence; (3) whether defendant is to be further imprisoned until payment of the fine or fine and costs, or until he is otherwise discharged as provided by law. Enter any order with respect to the fine or fine and costs, or until he is otherwise discharged as provided by law. The first any order with respect to the fine or fine and costs, or until he is otherwise discharged as provided by law.

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APPENDIX C - PSYCHIATRIC REPORTS FOR BRUCE CUSSELL ABBERACT

(Confidential - For Professional Use Only)

Patient: CUSSEL, Pruce 1902 Cortalyon 2d. Balyn. N.Y. 11228

H.T. Hospital History \$1158928 Age: 23 (Soru: Oct. 13, 1943) Civil Status: Single

Occupation:

Admitted: March 17, 1969

Hone Religion: Jewish

CRIST COMPLAINT: Depersonalization, derealization, questionable hallucinations, increasing isolation and withdrawal.

PRESENT ILLNESS: Patient has a long standing history of psychiatric illness characterized by thoughs disorder, social withdrawal and ambivalence. Since withdrawel from Erasmus Hall High School in the beginning of the 10th grade, some 3 years ago, the patient's ability to function has shown progressive deterioration. Except for a year of schooling in 1961-62 after leaving high school the patient progressed no further peademically. Prom January to April 1963 the patient was seen in treatment by Dr. Morton Hand of Brooklyn; treated by means of psychotherapy and drugs. Little therapeutle response necessitated a course of 24 ECT treatments in July 1963, Psychomotric studies at that time indicated a normal I.Q. Rorschach projective tests gave no evidence of active psychosis at that time. During this time and prior to treatment in the out patient psychiatric clinic at Houne Sinai for 6 months in 1964, the patient had stayed at home and worked part time us a delivery boy and clark in his father's cleaning store, After discharge from Movat Sinal patient maintained a higher level of socialization and work effectiveness for several months. He was able to allegedly maintain a 4-3 conth relationship with a girlfriend or that time. In 1965-66 patient worked continuously so a measenger in a factory. In retrospect he remembered that he was still keeping up his irlandships in the neighborhood at that time. However, mibsequently he stopped because, "I can't communicate as I had liked to". In 1956-67 the patient worked for 9 goothe as a Gall Street beck office clerical worker. Since that time his job longevity has been much more

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short lived and sporadic and interspersed with periods at home characterized by isolation, social withdrawal and organones with his parents. He has travelled around the country in various linerant jobs; not for longer than 3 months. His nationals for leaving home and working as an spole picker in Chip and in Florida during 1968 has been "I had to go. I had to get out of my house". Begianing of 1968 after returning home, Mr. Cussel joined the Merchant Harine and shipped out on a freighter for an around the world cruise. After several months in a state of increasing confusion, he "jumped ship" in India. He wandered around for a while, finally somewhat unexplainedly, he returned to his ship and sailed home. At that time subsequently, the patient noted an apparent decrease in his reasoning ability and his desire to communicate and socialize with people, and an increasing preoccumation with alleged changes in body function which had prevented free expression. He became unconfortable again after a short period at home in Spring 1968 and in August he left to travel to San Francisco. There he was unable to find a Merchant Seamen's job. Somewher confused and in a disoriented state he hitchniked down to Maxico. There he existed with no money; opent some time in jail for loitering during which time he was physically abused and in early September 1368 he became lucid enough to call h's sister in L.A. who wired him some funds with which as was able to come to her home. After staying with her and her husband for a number of days, the patient's sister obtained a hotel room in the area for him and he then lived there and intended to find local employment. Unsuccessful in keeping a job in L.A. patient was wired some money by his parents and returned home. Here he was increasingly confused, argumentative and finally assaultive to his mother. He remembered at that time in December "seeing people in different forms" Sleap cycle was entirely disrupted; the patient was drinking heavily and walking around the house made. He was hospitalized at his parents' insistence in Kings County Hospital for the month of December and from there transferred to Brooklyn State Hospital for 3 months where treatment consisted, almost exclusively of high doses of Thoraxina. Patient was discharged from the latter institution for the purpose of transfer to PAC for initial evaluation in the GPD here.

More

FAMILY MISTORY: Paternal line: grandfather died when the patient was 3 or 4. Grandmother died in 1963 at age 75. Shots remembered very kirdly by the patient. In latter years she lived with patient's uncle show he much admires. There are 2 sons and one daughter of whom the Eather is the oldest, age 60. In interview it. Cussel was seen to be a rather passive and retiring soft spoken individual whom the trials of life have very such weighed down. Uncle, Arthur, age 55, works in Eather's dry cleaning store. He is a favorite of the patient and has recently been hospitalized for emotional illness in PLC. Since then he has returned to work, Aunt, Julia age 56 lives in Brooklyn near the patient. She is married. She is described by him as being a 'high strung school teacher". At the slightest mishep sae is recollected as raising her voice and yelling. Maternal line: little is known of them other than that they were Russian-Jewish, rural folk that died before the patient's birth. There were 6 children and all immigrated here; mother is the youngest, age 34. The patient describes her as "like a Molly Coldberg". In interview she was seen to be a somewhat angry woman, unsure that everything was being done for her son. She was extremely resistant to the exploration of any dynamic stiology behind her soms illness. There was a strong rendency noted to encourage dependency in Mr. Cussel and to describe and communicate with him on a child like level, All the patient's sumts and uncles live in the NY area, They are not seen nor have they played as much of a role in his life as his paternal relatives.

PAST HISTORY OF ILLNESSYS: Psychiatric illnesses: January 1963-July 1963 psychotherapy, pharascotherapy and 21 ECT, Dr. Morton Hand, Brooklyn, 1963-66 North Sinai Day Care Center and OPD, 3 months. 1968-69 Kings County Hospital, Brooklyn State, 3 months.

paischal History: Patient was born into a lower middle class Javish family in the Crownheight section of Brooklyn, where his father ran a dry cleaning store. Fatient was able to recollect little of his child-hood memories. Socialization with his older sister was fair, however the patient remembers that he never got along well with others in his peer group outside the family. He described himself as "a bad thild". He re-members having stolen a lot from oges 6-18. He frequently

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pilifered from his mother's purse and his father's wallet and neighborhood candy stores, never more than a dollar or two. On occasions when he was caught by his parents taking money minor discipline was administered, usually by his mother. Pauling dominated, even in later childhood by his mother, patient didn't resist her control of him, but oppreciated his father's generosity and quiet more reasonable attitude. "He didn't yell at me". From the beginning the patient did poorly in school and didn't enjoy forced socialization with the children and the teachers. He described the work as being too hard most of the time and his mind as always being somewhere else, mostly preoccupied in the neighborhood. Grades were con-Sistently C's. Patient never had difficulty in passing his courses, but was not able to concentrate well enough to do better scholastically. Punctuality, according to the patient was more important to his mother than how he did in school and only minor remonstrations occurred. From ages 9-13 the patient opent summers at camp in the country. In late latency and early adolescence his poor conduct became am issue inschool. He was occasionally involved in fights with other children. At age 13 the parient initiated heterosexual activity when he allegedly had intercourse with a prostitute. To age 17 he had frequent intercourse with neighborhood girls and "whoree" that he picked up with friends. Since the age of 18, however, his hererosexual socialization has decreased markedly. Parienz denies masturbation consistently. After failing his first year of high school because of lack of concentration and motivation, the patient dropped cut of high school beginning of his 10th year, second year and subsequently studied at private school.

PSYCHIATRIC EXAMINATION: See separate sheet.

mo significant physical findings. Routine laboratory studies at admission were negative.

Patient was admitted to an intermediate floor, 6N. Chlorpromatine 100 mg. qid was initiated and increased progressively to 250 mg. qid by the third hospital week. From the start the patient was noted to be

extremely withdrawn, isolated and seclusive. He socialized only with much effort. He was unable to sustain a conversation with the staff, therapist or other patients for anything more than a few words. In explanation the patient stated that he was prevented from communicating freely with others because of difficulties in controlling his body and socatic changes that prevented free expression. Marked . dereslization was noted to remit somewhat from the third hospital week. However social interaction continued to be poor. Therapeutic effort was directed at providing supportive structure, both in regard to personal functioning and work habits in O.T. Throughout hespitalization partient expressed the rationals of being here only to improve his abilities to find and sustain employment requiring social interaction. Consequently, the necessity of functioning in a social setting acceptable to others was pointed out repeatedly to the patient with little exploration of dynamics. Resistance to therapeutic milieu took the form of prolonged resting in bed or reading at meals and poor personal habits. The patient contended that he only needed to be found a job by the institution and did not need to be prepared for it. Mrs. Cussel was seen in interview a number of times and the importance of seconding the hospital's structured demands on the patient for a higher level of functioning were pointed out to her. However, it was noted that on frequent visits home little demands were made on the putient for greater functioning or was guidance offered. Prequently the patient would return to the clinic after a weekend of just lying around the house. On several occasions he was a day late from returning after weekend passes and it was noted that his reluctance to return to the bospital had not been countered by any insistence on the parents part that he do so. In the 4th hospital week Mrs. Mellis of Social Service was brought into the treatment to contact rehabilitative centers that might provide on-the-job training and guidance for the patient after discharge, Also, it was to explain the necessity for the support of the hospital's insistance on a certain level of functioning to ira. Cussel, As discharge neared plans were made for the patient to start day care and job training at the Fountain House. At this time social offectiveness was somewhat greater than at admission and sometic delusions were in substantial remission. However, motivation to sustain a higher level of functioning in either personal habits or in a work situation was questionable. Patient was discharged on 6/7 receiving chloryromazine 175 mg qid.

(CUSSEL, Bruce - Abstract - Page 6)

DATE OF DISCHARGE: June 7, 1969

DIAGNOSIS: Chronic undifferentiaced schizophrenia.

STATISTICAL CLASSIFICATION: Chronic undifferentiated schizophrenia 293.30.

COMDITION ON DISCHARGE: Laproved.

PROCHESIS: Charded.

READMITTED: June 1, 1973.

CHIEF COMPLAINT: "I am freaked out," feeling totally diserganized and confused and unable to get himself together under the pressures that he feels outside of the haspital.

INTERVAL HISTORY: This is the second Payne Whitney Clinic hospitalization for this 27-year-old male. He has been living at home and feeling increasingly disarganized, unable to function, unable to pull himself together and as he plaims "filled with hate." In the ten years between his provious hospitalization and this hospitalization, Bruce has first worked for the Merchant Marines for a number of weeks, but he jumped ship in India and when he did come back to the States he never went back after one cruise. He then stopped working, he was living at home, and for a short period before his hospitalization about a month he drove a cab. Recently he has been hanging around the home and hanging out with a few people who go to the race track and gamble.

psychiatric examination: The patient is elevenly, poorly groomed, his talk is random, circumstantial, there is evidence of hallucinations, evidence of delusions, evidence of ideas of reference and only passive suicidal thought.

PHYSICAL EXAMINATION: Blood Pressure 170/60, Pulse 90,
Respiration 20, Temperature 37. This
is a 27-year-old patient appears his stated age. No remarkable findings.

GOURSE IN CLINIC: (June 1, 9973 to June 13, 1973)
The patient's first week in Clinic was mainly spent as he says pulling himself together. During this period

he was on Stelazine. He also claims that he will ease himself of a considerable amount of hate by playing ping pong
and also poel. During the therapy sessions he was random,
he talks in rather generalize grandiose terms like pulling
himself together and being above things and below things
and not able to function because he had worked himself to
a state of superhuman feeling. After one week in the hospital he was granted a pass to go out with his parents and
stayed out 12 hours beyond the limit of the pass. When he
came back he asked to be signed out. He was convinced to
stay another week and then again decided to sign out against
medical advice because he thought that he could handle the
outside world and he had to face it at some time. He was
discharged against medical advice and re-referred to Dr.
Fisher's group in theoutpatient department.

DATE: OF DISCHARGE: June 13, 1973.

DIAGNOSIS: Chronic schizophrenia.

STATISTICAL CLASSIFICATION: Chronic undifferentiated schizophrenia 295.90.

CONDITION ON DISCHARGE: Slightly improved.

PROGNOSIS: Guarded.

Dr. Kosseff - es

STATE OF NEW YORK - DEPARTMENT OF MENTAL HYGIENE

#### CLINICAL SUMMARY

#### BROOKI

30F	THART		3 V 3 4 4 1
YN STATE HOS	PITAL	• 5	***
NAME OF INSTITUT	10N)		
	T	IDENT NOS	1

NAME:	(NAME OF IN	(NOITUTION)		
CUSSELL, BRUCE			IDENT. NO:2:	HOSPITAL NO :
M CO F. C. AGE AT ADMISSION:	CITIZENSHIP:			HOSPITAL NO.:
MARITAL STATUS:	U. S. A. [X	Resident Alien	Non-Resident□	DATE OF ADMISSION: 6/27/73
NAME AND ADDRESS OF NEAREST RELATIVE	dowed Divorce	1	· U	DATE OF SUMMARY:
		DIAGNOSIS:		C. 0.0.
And the second			The State of the state of	000.22to 0000

ADMISSION NOTE

June 27, 1973: This is a 27 year old White single male who is admitted on a Voluntary application. According to the patient and family, he has been fairly well up until one month ago, then he went to New York Hospital, staying there for a week then signed himself out. Since then he has bean extremely restless and agitated. He was given prescription by the New York Hospital, but apparently he was not taking the medication. He tried to jump out of the fire escape last night, and he also expressed many paranoid ideations. On admission, he appears to be restless, irrelevant and incoherent in conversation. His affect is inappropriate and blunted. His mood is dysphoric. He appears to have auditory hallucinations. Delusions of persecution are elicited. He admits having had suicidal ideation. He is oriented in all three spheres. His memory is impaired mildly for both recent and remote events. Insight and judgement are poor. ACT TO SE WE

DIAGNOSTIC IMPRESSION: Schizophrenia, Paranoid 295

KANG YUT B.D./ar

ATTITUDE AND GENERAL BEHAVIOR: Patient is extremely restless during the interview. His appearance is well groomed and tidy, but his face was full of perspiration. His general attitude is cooperative, but because of his restlessness, he is unable to stay still.

STREAM OF MENTAL ACTIVITY: His conversation is relevan, but it is incoherent occasionally. Blockings are noted in his stream of mental activity, but no flight of ideas are noted.

EMOTIONAL REACTIONS: His affect is inappropriate, and blunted with dysphoric mood. He shows teams when he was asking for help, but he suddenly says he wants to go home.

MENTAL TRENDS: He does not seem to have hallucinations of any nature, but appears to have deludions of persecution which here is not willing to disclose. He admits to suicidal ideation. but denies any assualtive ideation.

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SENSORIUM: He is fully oriented in all three spheres. memory is intact for both recent and remote events. His ine sight into his illness is fair in degree, but his judgment is grossly impaired.

Kang Yu, M.D.

#### ANAMIESIS

Bruce Cussell is a 27 year old White, Jewish, Male unmarried who was admitted to Brooklyn State Hospital on 6/27/73 on a Voluntary basis. This is Bruces second admission to Brooklyn State Hospital. He was formerly a patient here in 1972. Previous medical records are forth coming. Bruce tried to jump from the living room windaw fire escape on the day prior to his admission to BSH. He has been . agliated and restless since his "escape" from New York Hospital where he had been a patient for one week in May, 1973. FAMILY CONSTELIATION: Bruce has been living with his parents, Mr. and Mrs., Cussell in a comfortable five room apartment at 1902 Cortelyou Road-UL-6-5173(H) - BU-4-8527 (B) a middle cdass neighborhood in Blatbush. Fr. Cussell has a dry-clieaning store where he and his wife work 5 days a week. The store is a few blocks from the Cussell home. Mrs. C. Claims she has been working since Bruce started grade school and that he spend his afternoons playing near the store where she could "keep an eye on him." The Cussell's appear to be in this late mitties or early sixtles. Bruce's sister, Cail, 30 years old, who currently lives an California tas according to Bruce, closer to him than his parents when he was growing up.
At first, Bruce would not express any negative feelings about Cail, but eventually he implied that he felt his parents should favortism toward her when the two were children: Trs: Cussell claims that Gail would throw tomper tantmins to get her way, will be Bruee was always a "good boy" Bruce appears to be making to for lost time now by acting out. Bruce also speaks fondly observations which Cassell - Es-6-1541- E. Lith St. Brooklyn, N.Yo- Thisouncle, according to Bruce leads a life style which Bruce would like to emulate. Arthur Gussellissilis balloons and works at odd jobs, living on the road very often. He is a free spirit according to Bruceand Bruce feels that he can join his uncle and live with him when he leaves here, if he so chooses. I have been unable to contact the uncle to confirm this, but Bruee's father claims uncle would approve. CHILDHOOD, EDUCATIONAL, SOCIAL AND WORK HISTORY: According to Mrs. C, Bruce was always a "good boy", and appeared untroubled until age 15. The only indication Mrs. C, had of any unusual adjustment patterns were Bruses tendency in infancy to stand rigid in his play pen, seldom playing an or running around as his sister had done. Also, Mrs. C, claims, as she was the disciplinarian in the house, she would frequently always reprimend Bruce. Her reprimends were always gentle; as Bruce would agree to do whatever was asked of him. Bruce, after acquiescing verbally, would eften turn around and disobey his, mother, pretending that he did not know that it this throng to do whatever he did. For this reason, irs. C has never strict with Bruce. At age 14, when Bruce entered J.H.S. he began to change. Mrs. C, attributes this to his having "fallen in with a rough group of kids." At this time, his mother cliams he began to have difficulty concentrating on his school work. Up until this time, Bruce was a good student. At this age, he started playing hookey, and withdrawing from contact with most of his friends. This period of maladjustment culminated in Bruce's fluncking out of high school. Bruce revealed in individual therapy, after several sessions in which he would try to avoid speaking of it that his expelsion from H.S. at age 15 was the precipatabing factor in his first mental treakdown, At this point, Bruce became very solated and withdrawn and, as he puts it, "lost his soul" The eleven year period that followed was marked by admissions and discharges from various mental institutions, and Bruces never holding a job for any significant length of time or making or keeping any in a co acti. long lasting friends. PAST HOSPIMILIZATIONS: Bruco has been hospitalized on and off at warious mental institutions for the past 10 years. His first treatment for mental institutions for the past 10 years.

(COMPTENDED)

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STATE OF NEW YORK - DEPARTMENT OF MENTAL HYGIENE

#### CLINICAL SUMMARY

BROOKLYN STATE H	OGPTIAL
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	(NAME OF INST	ITUTION)		
NAME: CUSSELL, BRUCE	•0	*.*	IDENT. NO.:	HOSPITAL NO.:
SEX:  M G F 27	CITIZENSHIP: U.S.A. []	Resident Alien [	<u> </u>	DATE OF ADMISSION:
	dowed Divorced		O O OFFI	DATE OF SUMMARY:6/27/73
NAME AND ADDRESS OF NEAREST RELATIVE SANAH CUSSELL (MOTHER) 1902 Cortelyou Road		DIAGNOSIS: SCHIZOPHRENIA	, FARANOID 295.	Bankers 19
Brooklyn, N.Y. Tel. BU	-4-8527	• • • • •		

#### AMAINESIS (CONTINUE)

Dr. Forton Hand, Psychiatrist on Ditmas Avenue, gave him a total of 30 shock treatments. Frs. Cussell claims that none of these treatments helped Bruce. Bruce went to Dr. Cand several months - 1xl week. Shortly, thereafter, Bruce was hospitalized at Mt. Sinai Hospital. For the next several years he was in and out of Mt. Siani Hospital as well as M.M. Hospital. Bruce went to N.Y. Hospital aftercare Clinic on and off for several years. Frs. Cussell claims that Bruce enjoyed going to aftercare. Bruce's last hospitalization at N.Y. Hospital was in lay 1573. He voluntarily committed himself and signed himself out one yeek later. After living at home for the next month, he showed suicidal tendencies and was voluntarily admitted to B.S.H. on 6/27/73.

It should be noted that Bruce has tendency toward drug abuse - has experimented with LSD, Mescaline and smokes pot with bad effects.

PRESENT STATUS: Bruce was officially discharged - 1.W.O.D. on 7/11/73. Bruce had escaped to his home on too occasions in the past week. The first escape was 7/6/73; he returned to BSH on 7/9/73 and escaped again on 7/10/73. After his second escape, we persuaded his. Cussell to try to keep Eruce at home, encourage him to take medication and to keep follow-up appointments at C.P.D. for 7/21/73.

MANGER COLDIEVAR

#### 7/25/73:

#### PRE-DISCHARGE NOTE

This is the fourth mental hospitalization of this 27 year old White, Jewish male admitted to Brooklyn State Mospital on a Voluntary basis on 6/27/73 from home. On 7/13/73 the patient's status was changed to a 2 p.c. The patient was hospitalized previously at K.C.W. where he was diagnosed as Schizophrenia laranoid.

Present illness began about 13 years prior to admission and was characterized by auditory hallucinations, grandiose ideas, attempts set at suicide. On admission patient was found to be restless, irrelevant, incoherent. Fental status on admission showed blocking in stream of mental activity. conversation occasionally incoherent. Physical examination showed within normal limits. Routine laboratory examinations were within normal limits. Diagnosis made on this admission was raranoid Schizophrenia. Since admission patient has received Thorazine, 200 Mg. t.i.d.

At present interview patient is more coherent and relevant. SEE RECORD OF ESCAPES

sed the such

on to request for resease was made by Eruce, de will reside with this request was made before patient ran away three times; - 7/6/73, 7/17/73, 7/25/73.

atakhiar

7/25/73:

DISCHIRGS SUMARY

Bruce Cussell is a 27 year old white, Jewish single male who was admitted to B.SH. on 6/27/73 on a Voluntary basis. Bruce had attempted suicide by almost jumping from the fire escape of his living room window on the day before his

Bruce's problems while he was on our ward included: belligerence toward fellow patients inaapropriate affect, defiance of ward regulations, failure to take medications, metaphysical rationalizations of his behavior, i.e., speaking of his xxix abate of mind as being beyond his control, attributing control of his "rind" and "soul" to superior beings. He also believed that he had god-like powers over others. While Bruce was on our ward we attempted to help him through stabilization on medications, group and occupational therepies focused on socialization Tearning to see himself as others saw him, attempting to break" down his wall of distrust and hostility: In individual therapy, I attempted to make him more reality oriented in terms of seeing that certain phenomena which he thought he caused by godlike powers actually had perfectly logical rather than mystical explanations. We also discussed his fears of risking failure which made friendships as well as relationships with women impossible. Bruce did not change radically while he was on our ward. He tended to be manipulate tive "playing the game" declaring that he needed help and wanted to stay at .... BSH until he got better, only to make escape on two separate occasions. Bruces changed only to the extent that he became less inappropriate and openly defiant; instead, he became more sneaky and deceptive. His last escape on 7/9/73 became a permanent discharge, as he had escaped on 7/6, returned on 7/9 and run aver again. We encouraged his mother to keep him at home. An appointment was set up at OPD for 7/24/73 at 190 Fulton Street. Dr. Yu had given Eruce's mother a prescription for his medication. on day after he escaped. RECOMMENDATIONS: Thave the following recommendations for OPD.

I. Family Counselling: Bruce is very dependent on his parents. He will not look for work because he believes he will inherit his father's cleaning store, he gets money from his perents whenever he wants it. Bruce's parents feed into his dependency need. Counselling is uggested to make Bruce more independent.

II. Stabilitation on Medications+

III. Socialization Group: Bruce constantly bemoans the fact that he does not know hot to meet girls and that he is sexually frustrated. He believes this to be his greatest problem. However, Bruce does not know how to get along with male friends either.

Intensive therapy he: feelings of omnipotence and grandiose ideas.

MILLIONITE GOLDHEN/AT

I DISCEA AGE: APPROVED. COLDITION: SAME White I am to the

#### PROGRESS NOTES

#### Cassell, Bruce:

7/2/73: Bruce has become slightly more gregarious in the last week. He is now playing ping pong and chess with some of the staff members. He is also behaving less'inappropriately in group activities. He no longer lies on the floor to do exercises in the middle of a staff meeting. He is speaking out of turn less frequently at meetings. A few patients are still reporting that he tends to be belligerent and unfriendly when they approach him. Today at 100:00 a.m., Bruce spat his medicine out. Later in individual therapy with me, he complained that he was too nervous to have therapy because he did not take medicine and demanded immediate attention by the doctor. Dr. Yu was not available at the moment Bruce wanted him, he became very angry. Later in the day, I had a personal interview with Mrs. Cassell, Bruce's mother. She seemed rather nervous and defensive about the "good upbringing" she gave Bruce. She believes that Bruces condition is due more to a chemical imbalance than anything else.

Mrs. Goldner
PSW III

7/3/73: Bruce told me today that he wanted to sign himself out. He feels that the hospital cannot help him and that "Insanity is Utopia." Our plan of action is to allow Bruce to sign a felease and try to hold him for ten days. Within this time he is to be evaluated with a possible 2 p.c. in mind.

Mrs. Goldner
PSW III

7/10/73: Bruse ran away twice in the last week. His first escape was on Friday 7/6/73, his second escape was tuesday 7/10/73. After running away on Friday, 7/6,73, and staying out all weekend, Buce returned Monday, 7/9/73 and claimed on 7/9 that he could not remember where he was for most of weekend. He wound up at his parents house. He did mention in individual therapy with me, ho .ever, that he was convinced he could not make it on the outside on the basis of his experiences this past weekend. Over the weekend he was mugged, got into fights with strangers and smoked pot. At this pint, Bruce, who is scheduled to be discharged on 7/13/73, is ambivalent about whether he wants to leave on 7/13 or stay at Brooklyn State Hospital longer to see whether he can be helped more. On Tuesday 7/10 Bruce ran away at Approximately 1:00 p.m. A staff member called his parents, who mentioned that he had just arrived and was getting out of a cab at that moment. Bruce's general behavior on the ward this past week vascillated between indications that he wanted to leave cooperating more in therapy, and relating better with other patients to complete withdrawal, sleeping all day, crying at night, and total noninvolvement in activities of the ward. Bruce will be staying at home with follow-up planned at O.P.D.

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#### THEATMENT PIAN

Bruce's treatment plan at Brooklyn State Hospital included:

1) Stabilization on medication (specify Thorazine 100 mg. q.i.d.)

2) Group and individual therapy

3) Setting limits Bruce was not be allowed to lie down whenever he chose to or refuse to participate in activities at will but staff would insist that Bruse C-12

Crockel)

4) Socialization through activities on the ward and focus of therapy programs toward this objective.

Mayou Diday MARJORIE GOLDNER,/ar PSWA III-

7/17/73: On 7/16/73 Bruce became inappropriately hysterical and when Stephen Binder inquired waht was wrong Bruce took a swing at him. Bruce!'s dosage of Thorazine was increased from 100 mg. to 200 mg. Today his behavior has been more, appropriate. Spoke of realistic post discharge plans in individual therapy and was polite and non-disruptive on ward, conforming to rules and regulations. Bruce's mother is attempting not to visit so often, but continues to call staff and inquire about changes in Bruce's condition. Bruce has also allegedly according to staff, made homesexual advances to another male, patient such as kissing and suggesting that he lie down with him. When I questioned Bruce about this, he denied and you are an entre Typingerie Llocal New or

MARJORIE GOLDNER,/ar 

ve avireina d'oriclasa e esté a la como el 7/18/73: Bruce's uncle, Arthur, visited tonite and came in to speak with me. He appeared very concerned but claims that Bruce cannot live with him because his two roommates object. Bruce's uncle feels that Mrs. Cussell contributes to Bruce's illness and is in need of psychiatric help herself.

MARJORIE GOLDNER/ar PSWA III

7/25773: Bruce was quieter than usual this week. He appeared lethargic and apathetic. It came as a surprise today when he began drinking milk in the kitchen and slowly made his way out through the entrance and ran all the way to church ... Avenue, where he hopped in a cab. Ike, Finckney, M.H.T.A. ran after him, but Bruce got away. Late in the afternoon, Mr. and Mrs. Cussell brought Bruce back accompanied by the police. Donna Warshaw had a consultation with the family. I will follow up with Bruce over the next few days.

The york. Propolars MARJORIE GOLDNER/ar PSWA III

8/3/73: Since Bruce's most recent escape on 7/25/73, he has been relatively quiet . except for one temper tantrum earlier in week. I am working with Bruce on two specific goals: setting limits and socialization. We have set a target date for Monday August 6th at this time if Bruce shows improvement in these two areas, he will be considered for level 111. is take to the

MUDITE COLDINER/ar 134A III .

8/8/73: After several days of improved behavior with Bruce asking each day whether I noticed how "good" he had been and whether his level had been changed, Bruce ran away on 8/6/73. Bruce's parents have been on vacation this past week and his mother had shown great ambivalence about telling Bruse of their plans before they left. It appears that Bruce did not know that his parents were away. Bruce returned to our ward this evening obviously high on alcohol and/or drugs. I will follow up on his latest encounters tomorrow. Marlier in the week Bruco and I had established two new treatment goals: 1) adhering to rules of the ward and 2) socialization with other patients. Some minimal improvement had been noted before the escape in these arcas. 不はんだいと

MARJORIE WOLDNER?/ar

FS:A III .

# STATE OF NEW YORK ... DEPARTMENT OF MENTAL HYGIENE BROOKLYN STATE HOSPITAL

CUSSELL, BRUCE 1.D.# 122 05 81 HOSP.# 122 586

ADM TPT SU: 7/13/75

#### PROGRESS ROTES

his uncle for a night or 70 and then returned to his parents. Bruce's father brought him back on Taesday, 3/11/73 at 1:00 p.m. I spoke with Brace and asked him the details of his escape. The claims he does not know why he ran away, but decided on his own to return to Brooklyn State Hospital. He says he feels better mentally and physically while he is here. Bruce claims he did not drink, fight, pop pills or get into any trouble while he was at home. His general

MALJORIE GOIDHER/AT PSYCHIATRIC SOCIAL WORKER ASS'T. III

8/16/73: Eruce escaped again at 3:25 p.m. three staff members attempted to hold him back, but he ran past them. As this has been his umptheenth escape, our instructions from Helen Houston, Division Chief, are to discharge him. I spoke with Mrs. Cussell shortly after druce escaped. Ars. Cussell is arbivalent as to whether or not she vants to keep him at home or sand him back. The will be told that we cannot accept him back. An energency appointment was set up for Bruce for Bruce for this

in Goldner

FORM 124 MED. (3, 67) STATE OF NEW YORK - DEPARTMENT OF MENTAL HYGIENE	
CLINICAL SUMMARY	
BROOKLYN STATE HOSPITAL	
(NAME OF INSTITUTION)	
NAME:	
CUSSELL, BRUCE .curio	HOSPITAL NO.:
THE AL ADMISSION. CHIZENSHIP:	DATE OF ADMISSION:
MARITAL STATUS. Resident Allen Hon-Resident L	12-7-73
	DATE OF SUMMARY:
HAME AND ADDRESS OF HEADEST OF TAXABLE	12-7-73
NAME AND ADDRESS OF NEAREST RELATIVE: DIAGNOSIS:	
Sarah Cussell (mother) 1902 Cortelyou Road	6.30
Brooklyn, New York tel; BU-4-8527	
Prodering New Tork Let; Bu-4-0521	
ADMISSION NOTE	and an income
6	contraction of the second
December 7, 1973: This a 27-year-old white single male who is admitted	
Agranda Civing bearing Single mate who is admitted	from Flathash
	THETTON
spicion thought, and depression. This is one of several mental hospita	lizations.
His symptoms was more increased a couple of days prior to admission. He	discharged
from Brooklyn State Hospital at July, 1973 and went to the Flatbush After	reare clinic
home once in a month. According to information from his father and him.	he did
not get sleep last a couple of days. He showed bizzer behavior when he	was eating.
The Con admission he appears to be cooperative, untidy and dishelved. His factorial	cial ex-
pression seems to be sleepy. He is freely admitted auditory hallncination	on and
suicidal thought. He is also admitted persecutory delusion. His sensor:	inm is
THE PART HIS PROPERTY MANAGEMENT OF THE PARTY AND THE PART	andition
and his judgment is grossly impaired.	OHOTOTON
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DIAGNOSTIC IMPRESSION: Schizophrenia, Chronic Undifferentiated 295.9	verie
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December 7. 1973:	
December 7, 1973: ATTIFUDE AND GENERAL BEHAVIOR: His attitude toward the interviewer is more	or in C.C.
December 7, 1973:  ATTITUDE AND GENERAL BEHAVIOR: His attitude toward the interviewer is a cooperative. He appears to be untidy and	d dishelved.
December 7, 1973:  ATTITUDE AND GENERAL BEHAVIOR: His attitude toward the interviewer is a cooperative. He appears to be untidy and His facial expression seems to be mark-like and sleepy. There is no psychological expression seems to be mark-like and sleepy.	d dishelved.
December 7, 1973:  ATTITUDE AND GENERAL BEHAVIOR: His attitude toward the interviewer is more cooperative. He appears to be untidy and His facial expression seems to be mark-like and sleepy. There is no psycretardation.	d dishelved.
December 7, 1973:  ATTITUDE AND GENERAL BEHAVIOR: His attitude toward the interviewer is an cooperative. He appears to be untidy and His facial expression seems to be mark-like and sleepy. There is no psycretardation.  STREAM OF MENTAL ACTIVITY: He shows logical progress of ideas. His answer	d dishelved. chomotor wers to the
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December 7, 1973:  ATTITUDE AND GENERAL BEHAVIOR: His attitude toward the interviewer is an cooperative. He appears to be untidy and His facial expression seems to be mark-like and sleepy. There is no psycretardation.  STREAM OF MENTAL ACTIVITY: He shows logical progress of ideas. His answers questions are relevant and coherent. He is in his verbal activity. There is no formal disorder of the speech.	d dishelved. chomotor wers to the under everage
December 7, 1973:  ATTIFUDE AND GENERAL BEHAVIOR: His attitude toward the interviewer is more cooperative. He appears to be untidy and His facial expression seems to be mark-like and sleepy. There is no psycretardation.  STREAM OF MENTAL ACTIVITY: He shows logical progress of ideas. His answers of the speech in his verbal activity. There is no formal disorder of the speech.  EMOTIONAL REACTION: He states thathe has been too nervous since a couple	d dishelved. chomotor wers to the under everage
December 7, 1973:  ATTITUDE AND GENERAL BEHAVIOR: His attitude toward the interviewer is an cooperative. He appears to be untidy and His facial expression seems to be mark-like and sleepy. There is no psycretardation.  STREAM OF MENTAL ACTIVITY: He shows logical progress of ideas. His answers questions are relevant and coherent. He is in his verbal activity. There is no formal disorder of the speech.  EMOTIONAL REACTION: He states thathe has been too nervous since a couple he would not sleep. His affect is blunted and flat.	d dishelved. chomotor wers to the under everage
December 7, 1973:  ATTITUDE AND GENERAL BEHAVIOR: His attitude toward the interviewer is an cooperative. He appears to be untidy and His facial expression seems to be mark-like and sleepy. There is no psycretardation.  STREAM OF MENTAL ACTIVITY: He shows logical progress of ideas. His answers questions are relevant and coherent. He is in his verbal activity. There is no formal disorder of the speech.	d dishelved. chomotor wers to the under everage s of days and His generalized

hallucination is expressed by stating that he hears the voices, i.e.

recent and remote events. As judging by answers to the questions seems to

"kill yourself." Presecutory delusion is also expressed by stating that many people try to kill himself and so he tries to escape from them. He denies assaultive and

SENSORIUM: He is correctly oriented as to time plance and person. His memory for both

be intact. His general knowledge is average. He is in mild degree of abstract thinking. He does not have any degree of insight into his mental condition. His judgment is grossly

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homicidal thoughts.

PROBLEM LIST: I. Depression-suicidal thought . II. Schizophrenia a) persecutory delusion b) auditory hallucination. III. Incomplete data

CTx plan: I. Problem I: Goal-disappearance of suicidal thought procedure-as antidepressant.

Problem II: Goal-disappearance of abnormalities of conception procedure-ax a) anti-dex presents psychotic medication.

Problem III: procedure- a) gathering information of his present and past illness. b) standard admission procedure.

\$ 4) Level 1A. 5) Frequent session with marri mini-team.

#### INTERVAL ANAMNESIS

December 7, 1973: Bruce Cussell is a 27-year-old white, Jewish, unmarried male who was admitted to Brooklyn State Hospial on 12/7/73 on a voluntary basis. This was Bruces third admission to Brooklyn State Hospital. Previous to these last few hospitalization he has not been in the hospital since 1972. Bruce was admitted because of suicidal ideation, general-restlessness and in general depression. Past records have been sent for. Bruce has been living with his parents, Mr. and Mrs/ Cussell in a 5 room apartment at 1902 Cortelyou Road, Brooklyn, (Wi-5173(H); BU-48527(W) Mr. Cussell owns and operates a dry cleaning stor. Mrs. Cussell also works there.
Bruce has worked there on occasion. The store is close to the apartment.
Bruce has a sister Gail who is older and married and isi lives in California. There is also an uncle who lives near by and who Bruce is very close to. Prior to this hospitalization Bruce was being seen regularly at the OPD by both Bette Levy and Dr. Miles. His family is seen by Ms. Witechi. . 20 slauce a dark croke day con Bruce was hospitalized briefly at Kings County Hospital 2 weeks earlier. (11-24-73 11-26-73) While waiting to be hespitalized he set his hair on fire and many. The police brought kinker him back. After calming himself down he asked to be discharged and was to his parents home. Bruce has been unable to explain what is causing these last 2 hospitalizations but wax was unable to manage at home. There have been some strange happenings lately, Bruce took some "Methadone" and also was robbed of a lot of money. This money was to be spent on a trip to Florida with his uncle.

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EPAL BAMAVIOR: Mida abbitude toward the interviewer is misparating coorditive. La appears to be untity and cichelred. his facial expression seems to be mark-like and closer. There is no paychomotor of .coitsbrate: AN OF AVENT ACTIVITY: He shows legical progress of ideas. His answers to the questions are arelevant and constrant. is is ander average in the verbel activity. There is no formal disorder of the or secin-AMEGINE CHATTON: To states that he had been too regions since a couple of days and the reald not sleep. This affort is blummen and flat. this generalize : now is indifferent with degression. To serves the as is as degreeze that he try to this himself. Anditony hallmediabiton in expressed by the billing but is in house the voice, i.e. a chique ; when dend policists on honorague only sh notable by years of a life gray film! the tribling of the second strips to early them blom. Le denies assembling and Letasucid Sablat described to the contract of t ONEY COPY AVAILABLE DESCRIPTION SECOND

.FORM 124 MED. (3.67)

STATE OF NEW YORK - DEPARTMENT OF MENTAL HYGIENE

CLINICAL SUMMARY

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CUSSELL, BRUCE		- IDENT. NO	HOSPITAL NO.:
M E F 27	CITIZENSHIP: CE COLO	Court of the Court	DATE OF ADMISSION: sident 12/22/\$3 73
	dowed Divorced D	Separated []	DATE OF SUMMARY: 12/22/78 73
NAME AND ADDRESS OF NEAREST RELATIVE Sarah Cussell (mother) 1902 Cortelyou Road Brooklyn, New York Tel:			

#### ADMISSION NOTE

December 22, 1973: "I was really uptight and nervious with pains- the back of my head and I trimble all over." Patient became increasingly more agitated over several- tonight threakining to go and jump out of the window.

Present Illness: Patient is a poor historiain, and mother seems about the same. He claims he got Prolixin 4 days ago. Vallum 5 q tid, Artane 2 mg.

Past History: Not too bad sleeping last night. See Previous charts.

#### MENTAL STATUS

December 22, 1973; Patient is well oriented. Often stares into space as if in dissociated state. Move slowly as if in a dream. Mild generalized tremlousness. Claims hears voices that wax want to kill him for months. Does not speak enought to be able to gridge intactness of associative processes.

DIAGNOSIS: Schizophrenia, Chronic Undifferentiated type.

Prezzi Treatment Plan= Sedute heavily.

DIBELIA, M.D. /hh

#### INTERVAL ANAMNESIS

December 22, 1973: Bruce Cussell is a 27 year old white, Jewish, unmarried male who was admitted to Brooklyn State Hampti Hospital on 12/22/73 on a voluntary basis. This was Bruces fourth admission to Brooklyn State Hospital. Previous to these last few hospitalizations he has not been in the hospital since 1972. Bruce was admitted because of suicidal ideation, general restlessness and in general depression. Past records have been sent for. Bruce has been living with his parents, Mr. and Mrs Cussell in a 5 room apartment at 1902 Corcelyou Road, Brooklyn (BU-1-8527(w); UL-6-5173(H) Mr. Cussell owns and operates a dry cleaning store. Mrs. Cussell also works there.

Bruce has worked there on occasion. The store is close to the apartment.

Bruce has a sister bail who is older and married and lives in California. There is also an Uncle who lives near by and who Bruce is xex very close to. Prior to this hospitalization Bruce was being seen regularly at the CPD by both Bette Levy and Dr.

Miles. His family is seen by Ms. Witichi.

Bruce was quite upset about being hospitalized the int last time and after agreeing to stay and try and take part in the groups the next day Bruce escaped. He was discharged officially because he was felt to be not harmful to himself or others. And we thought that his pattern of escaping would start again, to try and keep Bruce out of the hospital he was seeing Bette Levy at the clinic and was to come to the ward as

#### INTERVAL ANAMNESIS CONTINUED

A KM as a day patient, when ever he felt he wanted to.

Just prior to Bruce being readmitted his family started preparing for the visit of his sister, Gail. Gail has not seen Bruce for 2 years and he felt pressured to be well when she came. Also he visited with his old intermist who told him he had Parkingson's Disease and described Clie syptoms. (which got worse after that). The next day Bruce saw Dr. Miles at the clinic who waplained that he did not have the disease and who waxes sent him to the ward. Dr. Yu examined him and also explained that he did not have the disease. Bruce was still anxious but went home with his father that evening. He came back the next day and then was finally admitted on Saturday.

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### DEFINAL LANGERS

sources 22, 1975: Sruce Succell in a 27 year old wilker, Jowich, argarded male thor res actition to Ercolity n State inapti despited on 12/22/73 on a vederate bests. This was bruces fourth actions to Proceed with Portion I ravious to blood last law hospidalizations he has not been in the hourisml since 1972. Ernce on whicher bootens of middel ideation, commission and in gonatel deprendent encial description of the catherent corrections and catherent investigations of the catherent correction. France that the catherent cath . Plotte . us to some all office the palette e tout a large of the court of the end of the third of the galact days a court entire to 

BROOKLYN STATE HOSPITAL

CUSSELL, BRUCE I.D.# HOSP.#

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ADMITTED: DECEMBER 22, 1973

#### PROGRESS NOTES

December 22, 1973; Presently Bruce is getting all his medication at the outpatient clinic-He is taking Prolixin Decanoate 2 cc I.M. q 10 days. Valuim 10 mg. BID. Bruce will constantly ask for medication-even after it has been given to him-Dr. Miles is trying to discourage Bruce getting medication at other times He thinks of medication as a miracle cure and this should be supported by the staff that-drugs are not going to cure him alone that he needs to help himself. He should be encouraged to activitily participate in all ward functions. When Bruce is busy he seems to be less nervous and does not shake as much. Bruce likes to play cards and checkers-if he can be urged to do this- it will also help relax him. Anytime Bruce contributes anything to any situation praise him if appropriate - he needs this-work on a behavior nod system-praise appropriate behavior and try to ignore or play down inappropriate behavior-such as his tantrums, asking for medicine, crying etc. Instead of babying him at these times talk to him as a man-at times he will ask to speak to someone-if at all possible please someone talk to him-this also seems to calm him down. If Mrs. Cussell calls and starts asking questions refer her to ms. Witichi at the clinic. If there are any problems please let me know. Bruce can come and go as he pleases.

December 22, 1973: lp.m. Says feeling very badly. Looks "stiff" "Can't sit or lie down" Then banging head on floors and screaming," I can't help information yesterday Bindryl 50 q and to home. Valium 10 mg. t.i.d. for home. 3 days before 1 cc Prolixin Decancate. In all-probability is having akathesia from it. Will repeat medication as needed.

DIBELIA, M.D. /hh

Bruce seemed more relaxed, less anxious and more able to control himself. When he askes for medication he should be told that he can control himself without medication-most times you can tell when Bruce is able to control himself, without medication. Bruce has been told by his family that they won't let him come back home to live. Dr. DiBella and I have discussed this with Bruce and he is still confessed about it-Do not push this issue since we are not sure where he will be placed or if they will back down and let him come home. Bruce should be encouraged to help himself and participate in all group activities—if he starts asking if he can be released—try to explain to him how being here is helping him. Tell him how he's meeting people, making friends, active, doing things, that this is what will help him. If he starts to persist tell him to talk to me. Also you can tell him how he's on level 5 and that he does have priviledges and is able to get out when not involved in an activity. Joan Natter is all over Bruce and this should be discouraged—I have spoken to bothe of them about kissing and lying on the beds in his room.

SR. R. T. /hh

Bruce has asked if he could go home for the weekend. After much discussion we decided that he could go home Sunday from 9 a.m. to after their evening meal. His father will pick him up in the morning and bring him back that night.

MINI_TEAM #2

December 14, 1973: Discussion about how poorly the whole situation with him was handled.

He was discharged-He will come in to sign his discharge. Discussion,=
on what his legal status actually was, we also had discussion on weekend relief or
places like Boerum Hill, etc. Bette Levy will get in touch with Carol Parnofiello
about such programs. Dr. DiBella, recommended that he be put on high doses of medication.
It is recommended that his level be 4 or 5 almost immediately so that he can work out
when he needs to pace.

Day Hospital treatment plan for weekends-To get him out of the home on weekends

when there seems to crisis happening.

BETTE LEVY SR. R. T. /hh

This-Team Notes - Episode today on the ward, him screaming and acting delusional. He wants his room changed to a private room, but he cannot have this because he smokes in bed and because he's had sexual interaction wi with other patients. His status will be reevaluated, after consultation with Betty Mr. Druck will speak with Bruce today, since Betty's at the clinic.

ANDY DRUCK

January 3, 1974: Seems to be more relaxed, less anxious. He is still hallucinating-but has not tried to escape or asked to be discharged. I think Bruce has his tantrums on the days I'm not here as an attention getting devise. He has told his family that when I'm not at the hospital that no one understands him or will talk to him. The family has decided that Bruce can not go home again to livewe are looking into half-way house, probably Boerum Hill. Margie Witechi will speak to the Cussell's tonight; to see if this is still their plan-New Treatment Plan: (1) If Bruce asks for medication try and talk him down, give him medication as your cost choice, much of this is just his asking for discipline and

(2) It is quite possible that Bruce will be going to Boerum Hill-He may go home until a place is available there-these arrangements have not been made but Bruce is still confused about this and Bette will talk to him again.

(3) He is to be placed in a Verbal Group on the ward as soon as they are started again. (4) Marge Witechi will come to the Mini-team meeting Thursday, January 10, 1974 at Il a.m., to discuss the family situation.

(5) Future goals are that he be involved in a structured Day-re-Day Center and live at Boerum Hill.

BEITE LEVY SR. R. T. /hh

1974: Bruce is involved in a criminal court case and may be called upon to testify as a witness. He is under a lot of pressure and many of his outbursts are result of his inner turmoil about whether he will have to testify br not. This is supposed to be a confidential matter so please don't discuss it with him unless he approaches you about it. I am only writing it here to let you know what maybe behind his feeling about people being out to get him. Also Bruce is to be talked to- to try and calm him down- In most cases this is all he needs, usually he doesn't

BETTE LEVY
SR. R. T. /hh January 1, 1974: Talked with Mr. C. Builder (535-7700 ext. 277) at F.B.I.

"Concerned about his safety" Organized crime may be interested in him to kill him and Government would be willing to move and provide medical attention. Has to go to U.S. Attorney and discuss. Recc = Needs careful screening of visitors. No passes at home. Party to be moved has to agree to be moved. Must go through Marshall's office there to be able to contact office. Went to Grand Jury months ago, seemed to

DIBELIA, M.D. hh

January 4, 1974: Bruce's level is changed to level 2 for his own safety and he is aware of this. Any questions either, call me at home (# in card box) or at the clinic Monday.

> BETTE LEVY SR. R. T. /hh

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January 7, 1974: Attorney Gen rec: If patient is willing to be taken care of out identification. With Mr. Fartin (chuck) Builder F.B.I: U.S. Attorney is one to



DIRECTOR MORTON B. WALLACH, M.D.

To Whom It May Concern:

swicidal risk perse.

State of New York Department of Mental Aggiene

Brooklyn State Hospital

581 Clarkson Avenue Brooklyn, New York 11203 TELEPHONE: 212-756-9600

that reduce him to essentially non effectiveness. He talks a lot of

suicide but has never made any even moderately serious attempts. At

times when he becomes very agitated he escapes from the almost com-

He is very dependent and currently needs inpatient psychiatric

plotely "open ward". A signifigant part of his problem is the

mistability and in consistency of his parents with whom he lives.

January 8, 1974

Deputy Director A. M. PRIMELO, M.D.

Chiefs of Service

- J. E. RAPPA, M.D. Division I
- O. SYKES, M.Ed. Division II (Acting)
- G. SALTUPS, M.D. Division III
- C. J. CHIARELLO, M.D. Division IV
- H. HOUSTON, M.S. Division V (Acting)
- A. S. IMPASTATO, M.D. Division VI
- D. RUBIN, M.D. Division VII

Mr. Bruce Cussell suffers from Schizophrenia, Chronic Undifferent- E. PERROTTI iated type. With such, he is unable to cope with the daily stresses of Division Liaison

life and often shows impulsivity, extreme anxiety, and panic reactions Director of Loboratories A. YIANNIOU, M.D.

> Director of Rehabilitation J. RAMSEUR, M.A.

Business Officer T. C. GREASER

Personnel Officer

care and long term rehabilitative efforts. I also advise a long period F. GAREY (6-12 months) separation from his parents. We do not consider him a

Sincerely,

Arthely MD. GEOFFREY DIBELIA, M.D.

CHIEF OF SERVICE

DIVISION V

BROOKLYN STATE HOSPITAL

CD/hh



The patient had NO provious hospitalizations for medical-surgical illness-
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The most effective treatment teoriques for this patient vere (bolieveral confections solving, obers).  Company reassurance, high levels of medication, frequent brief epperaturation, Direct Company of the product of t

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Suggested goals and methods for obtaining these for each of the above problems are as follos: (should be keyed to the above numbers).

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## APPENDIX D - TRANSCRIPTS OF SECRET TAPE RECORDINGS MADE Background music. BY PULLMANI

pelliten

I got no money. I'm looking --

- 2 I'll do the rest of the house.
- I They cut me out of that -- the house. How much do you think I'll get?
  - 2 Who knows.
  - 1 They gave me 660.
  - 2 How much?
  - 1 550.
- 10 2 550?

S

0

14

- 11 l yeah.
- 12 MICHAIL gave it to ya?
- 13 | 1 yeah.

Tnaudible.

- 15 | Who knows -- they cut me out, the pricks.
- 16 Too much?
- 17 2 Yeah. They cut me out.
- 18 1 They almost got Geary for the fuckin' taxi
  19 cab. It would have been all right if ya fuck 'em to death
- 20 here.
- 21 2 Why I gave 'em the money -- (inaudible).
- 22 l Why I gave 'em the money, I'll never understand.
- 23 They're going crazy again tomorrow.
- 24 Look, the fuck -- I gave 'em --

Inaudible.

V.S. V Kosta

25

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2	know, that prick, he'll get on the stand and say I never
3	gave him the 146,000.
4	2 yeah?
5	1 Yeah.
6	Inaudible
7	1 yeah, sure. I asked my brother-in-law, "Why
8	didja' do that to me?" He says, 'I'm doing ya good.'
9	I says, "Sure, you're doing me good." He gets on the
10	stand and he says, "I'm here to admit I'm not going to
11	hand you
12	2 Hand you to the U.S. on an ash tray and
13	he's coming up there to escort ya.
14	1 Nah (inaudible)
15	2 Eh (inaudible) Well, slightly, there's
16	the family and all that bull shit.
17	1 What'd he say to ya?
18	2 Y'know, why, how's the family and that's all.
19	1 Yeah?
20	2 Yeah. (inaudible)
21	1 Like nothing's going to happen?
22	2 Teah, y'know he's supposed to have us on tape,
23	**************************************
24	what I hear.
25	1 Je's got me on tape.

See what my brother-in-law did to me? You

1	1 Ya want a bathroom it's here.
2	Laughter
3	T hear you're driving 'em crazy.
4	I came three times.
5	I hear you are driving them crazy.
6	Yeah, I yell at 'em. I call 'em cock suckers.
7	I tell the FBI on the tage
8	ya wasn't going to plea; ya wasn't going to
9	plea?
10	Yeah, I wasn't going to plea. No, no, I wasn't
11	going to testify.
12	Who ya testifying for?
13	What Davie's doing.
14	What Davie's doing?
15	Yeah, but I don't think he'll be off. He's got
16	a lot to go.
17	He'll be there till the week-end, I think, then
18	either you'll go either a Monday I'll go after that.
. 19	yeah, you'll go after the week-end, right,
20	I think
21	Inaudible
22	Ya come here it's like school. They coach
23	you and coach you.
24	ROTH Yeah, they coach you and everything. By the
25	time I'll get up there, I'll forget. When did Rosevelt

. 1 open? 2 I don't remember dates. I can't remember all 3 these things. 4 How do ya/remember all these things. I left the shit in the car. I threw them away 6 7 8 Ya got to write this down; ya got to write 9 10 that down. 11 I don't write nothing down. / 12 They say you gotta take notes. How can you 13 remember? Ya can't remember. 14 I am going to tell the truth. You know what 15 they are going to ask me? I made an agreement with this man 16 for ten percent. He gave me five. He kept my money and if 17 I get in trouble, I get 30,000 -- I get \$50,000 -- I am 18 going to say that. I am going to make him look fuckin' bad. 19 I was supposed to be provided with a lawyer --20 yeah. 21 -- and money and everything. He sent a message 22 to me, I was to get tickets to cover my --23

Gonna say all this?

yeah.

24

25

All of this to them? some of it, not all of it.

. !	NOC dil of it.
2	Ya gonna keep back some of it.
3	Well
4	Just a little thing (laughs)
5	tough guys, cock suckers,
6	you didn't take care of this guy.
7	Yeah.
8	Ya know what I mean?
9	That's right.
10	You shoud have taken care of him. You know
11	what I mean?
12	I am going to say I was promised so much money -
13	
14	Yesterday I got a pack of cigarettes
15	What did he say he promised ya so much money?
16	No, one thing he did promise me. He says, "If
17	you get jammed up, I'll get you the best I'll get you a lawyer You got so much money
18	your lawyer, or you get your own; I'll pay for it. / I didn't
19	mention no money, but I do promise you one thing. You go
20	where your family
21	
22	
23	D-6
24	
25	

1	VOICE: Geary (?)
2	I think the messenger was was the guy up the volca: Ceary (?) what's his name at the Roosevelt
4	tracks.
5	Oh, that guy up in New York whatever the hell
5	his name is.
7	I think he brought me a message, you know what
8	I mean?
9	I wasn't getting nothing.
10	I even brought him the message.
11	I think he brought me a message
12	The at the hotel almost every week.
13	Yeah.
14	So I am going to say that. That I was in the
15	car. They asked me for my money, and ya know, they know
16	I need money and everything. They cut me down - no deal,
17	the whole deal's dead when they cut me down.
18	How's possible to remember all that?
19	Yeah.
20	(Indistinguishable) son of a bitch
21	Which way is better?
22	T have no idea.
23	(Indistinguishable)
24	I have no idea.
25	(Indistinguishable)

1	I don't know. You know what you gave; I know,
2	what I gave. I don't know what this is all about.
3	see what my brother got - an extra hundred
4	thousand dollars. Some (loud music)
5	(Inaudible - drowned out by music)
6	Oh, I have no idea a lot of fucking you
7	remember.
8	(Inaudible)
9	Oh, he got his, the fuck, everybody is touting
10	'im in this game.
11	I don't have a job. There's nothing I can do.
12	(Inaudible - drowned out by music)
13	I don't have money
14	(Inaudible)
15	I am not lying.
16	Move over. You tell so many fuckin' lies. Who can believe you.
17	I am not lying.
18	You (inaudible)
19	I am not lying; I am not lying; I'm not involved.
20	I swear to you; would I lie to you? This is funny
21	There's more fucking guys you make your money on
22	You fuck (inaudible) He says you destroyed
23	everybody.
24	Bull shit. When I got my money I gave him
25	9200 a month.

Zon gave bim --

1 yes, sir, 200 every fuckin' -- every month. What's he bull shitting about? 3 Ah, who the hell knows. On a \$20 bill -- he left me sit -- I tell you what happened. Then you I gave him 200 every month. I walked out of 6 there - didn't owe him a fuckin' nickel. 8 then he's got no business --9 I should go blind if I owed them a nickel. When you had the money, out of the 550, you 10 11 gave him 200. Cave him 200 - peeled off in cash. "Oh, I don't 12 need it; give it to me." 13 14 Oh, yeah. In the meantime, it's going on for a 15 couple of -- (inaudible). 16 Yeah. I want to -- he says that \$20 bill. He left me there one night. He went hunting two nights. So 17 the guys, the kids that clean up the room, double hooked 18 19 me on the rooms. 20 What do ha mean, hooked you? 21 You know, they put down -- you know, they get \$1.00 for cleaning a room? 22 23 Yean. 24 So they put down twenty rooms more for the two nights. So I gave them, I don't know. So he accused me of 25

taking that twenty. ì 2 You cunts, you guys handled so much millions of dollars -- thousands of dollars -- and I am stressing --3 No, no, no --Without these fuckin' lies. 5 yeah, thousands of dollars, and you accuse me 5 for a lousy, fuckin' twenty. 7 Eh? 8 Lieutenant 9 walking in. She's sucking his toes. I says, "Oh, Jesus." 10 11 sucking his toes? Yeah, toes -- kisses his toes. 12 VOICE IN BACKGROUND: Good afternoon. 13 Tow the fuck does he live like that? 14 The wife there; the neph shit is there, you 15 know, Fuchs --16 You can't stand that when it gets to the point 17 where you have 'im --18 Uh? 19 You can't stand 'im --20 He swallows up that fuckin' bull shit every 21 fuckin' day. 22 (Indistinguishable) 23 so, poison, poison. No. but, whenever -- I 1: ain't bull sail 'my. I am telling just what I did for him.

1	I worked for the guy and that's all. Only one thing, he told
2	Insko was in his pocket. That little prick, I hate him from
3	the day I seen him.
4	Why?
5	Because I don't there's no driver like
6	
7	Yeah, you didn't say nothing.
8	Nothing.
9	You didn't say no money or nothing.
10	(Sound of telephone ring in background)
11	The only thing I seen Paul Meer
12	(Indistinguishable) Listen,
13	(Indistinguishable) /What do we know.
14	(Indistinguishable)
15	Who? (Indistinguishable)
16	You, you don't know nothing.
17	Nobody seen him
18	(Indistinguishable)
19	Who is he? He didn't see no money exchange
20	hands or nothing.
21	No.
22	ing He is say/that was told to him. He wasn't
23	near me.
24	(indistinguishable)
25	BACKGROUND VOICE: Driver there?

1 Oh, yeah, that's their problem, you know. Fverybody's got their own problem. 2 3 (Inqudiple) 4 (Inaudible) This takes time. This thing could be taken out of context, right? 5 6 Yes. Depending on what you say; you know what you 7 8 said. 9 I want to tell the truth; that's all. They 10 want me to say other Anything else you say, they could do what they 11 please. This little prick wants me to put drivers in the 12 13 room . 14 What do you mean? Oh, I used to live in motels. 15 16 Yeah. So, one time I was up there. There was two guys 17 there besides Frank Fletcher (KRWK) 18 19 They got indited there? 20 They got indicted. I don't know. I don't what he wants, God's 21 I don't knowwho they want. He's trying to convince 22 truth. me that there's drivers that I know. 23 what about the pictures they told you, he told 24 25 you he got?

1	That was McNatt.
2	They got him?
3	No.
. 4	Another guy?
5	Yeah. Oh, shit!
6	They told you this?
7	I seen it. I mean, they got me coming up from
8	the bank with cerry.
9	If Gerry was behind you in the fuckin' picture
10	they got, maybe you cashed the money, too.
11	It looks that way, doesn't it?
12	But it wasn't him.
13	Tt looks like him.
14	But it wasn't him.
i5	I would say, you know who I would say it looks
16	like?
17	Who?
18	Crinkovich.
19	Is that who it was?
20	You know something, if you looked at Frank and
21	you looked at McNutt
22	Does he resemble?
23	Resemble the only thing is the hair is longer
24	on the bottom on Mchalt.
25	No kiddin'?

1	He has gray hair.
2	I looked at the picture fast.
3	Yeah.
4	You kiddin' (?)
5	Gray comes out on the picture. That was all
6	was in the bank.
7	You can't break it down?
8	(Background voices and noise)
9	Because I remember that picture a long time ago.
10	Remember you told me (inaudible)
11	Yeah. Now, if they're smart, if his lawyer is Crinkovich
12	smart They know this Frank/ , how he looks like,
13	but I don't think they know.
14	No, fuck 'em. Don't tell them nothing
15	Me? You know what I mean?
76	What do ya want? What kind of sandwich you want?
17	Anything, anything.
18	Ham and cheese?
19	Yeah, that would be good.
20	Rye?
21	You know what I mean?
22	Colfee?
23	Hey, I was sitting in
21	You want coffee?
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1	Regular?
2	I was in the movies.
3	You came from over there? You washed already?
4	You washed up or what?
5	No
6	Come on, we go get a sandwich.
7	Huh?
3	Let's go and get coffee; be back in five minutes.
9	Come, we'll ask Mike.
10	(Whistling)
11	Anybody want coffee? You gentlemen want coffee?
12	No, thank you.
13	Anybody want beer?
14	Coke?
15	You want Tab?
16	Yeah, all right.
17	Didja eat you want a sandwich?
18	No, I just ate.
19	Coffee would be good.
20	Regular?
21	Light, please.
22	I got it.
23	Here.
24	I got it.
25	What do you want?

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22	I got it.
23	Here.
24	f got it.
25	What do you want?

Make out a check and I put it in. (Laughs) You give them \$25 off pretty good here. What? You give them <25 off pretty good here. You know, one day, they give you four, five days, you know. They are nice like that. Why not? I wish I had that bank book home, we would go 8 over it all right. 9 (Inaudible) 10 I only make \$25.00 a day. 11 You what? Nah, don't tell me that. 12 yeah. 13 For all the work you do? Jesus Christ. 14 Let's git. You come over here -- it's like 15 school every day. 16 17 yeah. Going all through that nonsense. It's just as 18 well, they trust you. That's nice. 19 (Background static) 20 (3) I was shocked. 21 (Background noise) 22 So what do you want me to do? 23 You got 'em crazy anyway. I mean you are here, 24 you got to do one thing, and then you got to do something else.

1	What do you mean, I told you the other day
2	I never (inaudible).
3	Told me (inaudible)
4	(Indistinguishable)
5	Don't get your sentence for Friday
. 6	Friday for sentencing?
7	Want a sandwich, coffee?
8	No, Joe, thanks. See you later.
ò	Okay.
10	(Laughs) Yeah. (Laughs) I got the bear with
11	me; I don't need money.
12	They don't mention the fuckin' (inaudible)
13	either, Jesus Christ.
14	Of course, not That's not in the paper.
15	How are you going to know?
16	It's going to come out .
17	Yeah, through the marriage broker.
18	That's what I think.
19	Wait until he sees me on the stand.
20	I am going to tell the truth, that's all.
21	What's all this bull shit with McNutt there?
22	That ain't his picture.
23	I don't think it is.
24	But they got him the girl testified that
The state of the s	
25	it's him and Gerry giving money in the bank.

25

I den't know. But it ain't Well, what did you say yesterday, it wasn't, yesterday, it wasn't him? It wasn't him on the picture? 4 It's somebody from Honolulu? 5 yes, that picture. 6 No, got got other pictures. 7 You got to find out who (inaudible) 3 9 What the fuckin' (Inaudible) 10 (indistinguishable Laughs 11 BACKGROUND VOICE: Hey, Joe, Joe -- oh, 12 be quiet, will you? 13 That fuckin' Meyer was never in the bank. 14 They got him in the bank there. 15 (Background noise and voices) That prick's full of shit. 16 17 Meyer was never in the bank in his life. 18 Don't ask me. They got him everywhere. 19 Who? 20 Mever. 21 (Inaudible) He's got a bottle and he goes 22 drinking. That's all. He's never anywhere. I never seen 23 him in my life letore. 24

(wick wound noise and banging.)

1	(Inaudible) California.
2	Who? cerry?
3	7327.
4	(mackground noise - banging)
5	What, you got a horse?
6	he broke.
7	You got a horse?
8	Forget about it.
9	(Background noise - voices - banging)
10	I told 'im I had \$10 for 'im; I gave him
11	the money. We said, "I am going to bet it."
12	the norse went?
13	I don't know.
14	Where did you just go?
15	(Inaudible)
16	(Much background noise and voices)
17	Wait until you get a weekend.
18	Oh, you were there a weekend?
19	On, yes, they told me to come a Saturday.
20	I didn't come. (Traudible) They ran out.
21	(Much noise in background drowning out
22	voices for a considerable portion of
23	tape.)
24	Tests Christ. They have that picture and
25	they tell everybody it's McNutt.
	DO ONLY COPY AVAILAB

2 |

3 4

(Background noise)

Where ya going? Ya wanna leave?

sea vo. later.

there ya going?

(???) I got a photo in my car

(Sound of cars, horns and prolonged

background moise)

D-21

1 You're running here like a mad man. 2 (NOISE) 3 That's the idea, ya know. You need to be there 4 today and tomorrow. 5 yeah, fuckin' bull shit every fuckin' day --6 Wednesday, Thursday, Friday -- He wants me there fuckin' 7 Saturday and Sunday? 8 (NOISE IN BACKGROUND) 9 Sorry, I never saw that man before. 10 Yeah. 11 Once we get into it, as far as going over it 12 though. 13 This guy, how long you here, Seymour? 14 He says you're here every week with this bull 15 shit. 16 (BACKGROUND NOISE) 17 Ya go over it; you write it down; ya do this; 18 ya do that. 19 Here's the point now. In other words (NOISE) 154 20 You have the stuff; you go over it and you will have your 21 notes before you get on the stand; and that's it. 22 Yeah, but he's letting me go with all the notes. 23 So what the hell do ya have to go through all this shit? 24 Indistinguishable. 25 Where ya going?

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In other words, so you can read it. 2 I can't take that much. 3 (BACKGROUND NOISE - UNINTELLIGIBLE) /evidence. The programs are in evidence. This is merely .--5 I wonder I could read it, if it's in evidence. See, when we write it up, it went to the U.S. 6 7 Attorney. In other words, nobody else has access to that. 8 In other words, they don't have access to it. 9 Right. In other words, aside from in court --10 in other words, it's not permissible for you to sit there and read from it. In other words, it's got to be from, 1.1 12 your memory or from notes you made personally. 13 (BACKGROUND NOISE) WTHSTELD other words, they can't give you anything to 14 15 read; you got to have it on your own. if you care, 16 Well, they can but the idea is to be prepared. Comment to the state property of the second to the second 17 (BACKGROUND NOISE) (BACKGROUND VOICES) 18 When you get nervous they let you read from 19 the testimony. (BANGING) They read something and you say, 20 "Ah, yeah, I remember now." 21 What do ya mean by that? 22 (NOISE) 23 Say, you have your notes there -- (NOISE) 24 (Indistinguishable) 25 Something is wrong with my wire there. ONLY COPY AVAILABL (INDISTINGUISHABLE)

One guy gets it -- I don't want to get paid.

25

No; in other words, if we can finish it up tomorrow, you would have to come in Saturday. You would have to come in Sunday, though.

the property with the same

Sunday?. . .

Sunday is with Mike.

That's who -- that's Pollack?

You're going to sit in a couple of hours with him and you are going to go over exactly what we have been doing here.

See, here's what I wanted to --

What's this thing you told me about -- they ain't got some stuff and I got privy to -- what did you just say A THE ELEVATOR

You see, what I was telling you was, these things you can't take on the stand.

Oh, they don't have that?

They don't have this.

Oh, so what the hell would I need that for?

well, you were saying -- in other words, if you could take everything on. What I am telling you is that's why I am having you make notes.

He's going to ask me questions about this?
About this?

yes.

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yes, but --

Mike?

yeah.

This is basically how he is going to go over it. In other words --

Oh, And they don't have that information?

Right. This is how he questions you. You know, the idea was, that's what I was trying to get into yesterday. You see,/ you are going to have the big picture, you are going to have to start off with. How you met Forest Gerry. This why, you know -- the San Sou San -- a couple of years back big tipper --

yeah.

Monticello -- books and bets, you know, made some money together -- fine.

But this don't feel like, you know -- it was all printed / -- I never put all that wordage in there. mean, you know, my diction ain't that good as all them and all paragraphs/, you know. All the context was put together by all you people.

Right.

Whatever is in that thing.

Right.

it back to me.

Now he's taking it from there and he's giving

the control of the control of the control of the control of the second of the control of the con

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D-26 · · ·

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1	And this guy Meyerson, he's pretty cute, because
2	
3	
4	But here's the
5	They want him to identify somebody that ain't
6	
7	We never asked you to do that, have we?
8	Meyerson did.
9	Meyerson asked you to?
10	He's telling/there's people in the room they
11	weren't there. He told him the same thing.
12	So, you just say no, that's not so. That's
13	all I am telling you.
14	Oh, all right.
15	Now, basically, all we are going to have/
16	other words, these are made out. Joe wrote this one from
17	the first time he interviewed you. I wrote most of the
18	other ones from the times that I interviewed you. Any time
19	I thought that you
20	Yeah, about/Cormier they put Cormier in .
21	there. For what? The guy never belong/there. I never
22	mentioned a thing about Cormier. He's got him in there.
23	Yeah, but this Coco is what?
24	Is what?
25	The guy doesn't belong in there, but he put him in
	anyway.

1	(Apparently reading) Pullman stayed on one
2	occasion with Gerry, when he met Cormier at dime. On this
3	occasion, Cormier was asked and gave Gerry's phone
4	number. Pullman was present on several occasion when
5	Gerry's tried to call Cormier at this number but was
6	that's it.
7	But never reached him, right; that was it.
8	Yeah, but unless
9	
10	But this guy comes in and he's making a big
11	issue out of it. He was here and he was there; he seen
	him here and there
12	No.
13	Y'know, and that's what I said, what was
14	what was mainly there.
15	This is what you said, right?
16	Yeah.
17	That's all you said about it.
18	All right.
19	In other words, if we can tell from the races
20	though that he was bet out, and Gerry made statements to
21	other people about Cormier
22	Well whatever that doesn't concern me.
23	I am not concerned about that.
24	I am telling you that.
	for thet.

This was -- all right. I thought, y'know, he

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put him in for some other reason, but the guy don't even belong here really. Okay, y'know --

-- far as I am concerned anyway. Well, here's the point --As far as I am concerned.

That's not my problem.

Here -- y'know, uh, is what I was trying to get to yesterday, was the idea -- the San Sou San, in other words, that's why you have to read this. In other words, it's just like taking homework home -- okay?

yeah.

Right.

In other words -- San Sou San -- Monticello -y'know, this is the way it's going to progress, for your testimony. Then, y'know -- what did I think it was that day? He is going to tie up the truth business.

The truth is easy to remember; the lies are hard, y'know.

What?

Y'know, that's what I said. The truth is easy to remember, so there's no problem where you met him and all that nonsense.

> I am saying that. I would never --I would ne er have no problem all the way

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And we're not going to have any problem now.

If you see anything here that we put down that's the least bit out of character, y'know --

All right.

-- that's out. In other words, you just get on and you say what you know. We are not asking for anything else.

Let me ask you another question now. These guys are found not guilty --

That's what he just asked me.

Yeah, it's a good question. I mean, it's a sensible question. What happens then?

What do you mean, what happens? What happens to you guys?

What if the Judge says two years.

To who?

If we are gonna get sentenced for two years.

What are ya going to get sentenced for?

If we gotta plead guilty.

To what?

I don't know. What are we pleading guilty for?

That's what I am telling you. If these guys

are found not guilty, there's no crime. What are ya gonna say, who --

1	But he wants us to plead guilty before the case.
2	yes, but in the end you can change your plea.
3	That's what I am telling ya.
4	How the hell can ya change your plea, if you
5	pleaded guilty already?
6	Because ya pleaded guilty to a crime ya didn't
7	commit. In other words, if you plead guilty to conspiracy
8	to sports bribery, right?
9	Yeah.
10	And they say there wasn't conspiracy to sports
11	bribery in this case.
12	And they cut and they walk out free, yeah.
13	Who did ya conspire with?
14	And what if there's only one conspiracy to
15	conspire with one person I don't care for that one.
16	With Gerry?
17	Yeah.
18	No, no, obviously there
19	We're in a problem.
20	No, obviously, you're gonna take a walk.
21	No, if Kantor is found guilty
22	Kantor is not a part
23	Technically, I mean, if Gerry is found guilty
24	of bribing Kantor follow me uh, what happens then?
25	
23	They could they would still probably dismiss

1 against you. 2 Oh, probably! неу --3 4 Oh, we are going into probabilities now, ya 5 know. Listen, 6 / All I can tell you is if they are found guilty, 7 you guys get to change your - your plea. 8 What if they're found guilty? 9 If they're found -- now, come on. This was 10 something all along. In other words, obviously, we wanted to put the screws to you, but we can't sit here and discuss 11 a deal, ya know that. The whole idea is we can't say you 12 made a deal with us and we made a deal with you. It's 13 the same thing with Davie. Everybody is in the boat. We're 14 not out to screw anybody. 15 16 No, but still, the day's gonna come when you gotta go see the Judge. And what if the Judge got up on 17 18 the wrong side of the bed? 19 Hey, this Judge? 20 I don't know the guy. 21 Any Judge? You're not gonna get --22 What do ya mean? I don't know judges. You 23 know judges a lot more than me. I don't associate with 'em. 24 okay --25 I know human beings.

1	I give ya my personal word, there's no way
2	you're gonna get screwed or do time.
3	There's no way I'm gonna do time?
4	Right; I can guarantee that to ya.
5	You can guarantee that okay.
6	Off the record.
7	Oh, off the record, yeah.
8	Yeah. So you see, what I was gonna say, if
9	they're found not guilty, no crime was committed.
10	That's good, all well and good, you know, but
11	If they're found guilty
12	Ya know, I had occasion to walk in the courtroom
13	myself, and he would sentence a couple of times, and the
14	Judge ya know, like, take Connie, she got sentenced,
15	right? She won a harsher a sentence as was ever given out.
16	There must ha' been a reason for it, naturally. Right?
17	Yeah.
18	ya know, we're just going over what happens
19	with the Judge if he gets up on the wrong side of the bed.
20	He's worried about pleading now and the fact
21	that it's gonna be just Gerry and him convicted for uh
22	What about Davie Kraft?
23	I told 'im everybody's here.
24	Everybody.
25	Why not, yeah.

1 what are ya worried about, let me hear. 2 well, I'm worried about, we go before the Judge and we're guilty and he's gonna sentence us and we're gonna 3 go to jail. That's what I am concerned about. 4 5 You're worried about going to jail? 6 Uhuh. 7 Okay. I can't say anything about it. I don't 8 think you're going to no fuckin' jail, but I ain't gonna 9 tell ya that. 10 Oh, like ya said, it's all off the record, but 11 ya know --12 yeah, we -- it comes down to the old thing, Joe, 13 we can't make you a promise, but ya know, Pollack's gotta 14 go before the Judge, and the Jude says, "Well, who cooperated (SOUND OF BUZZER) with you?" "These gentlemen did." -- "Thank you." 15 16 Oh, in other words uh --17 He could sentence you to jail. 18 Pollack -- Pollack con-controls a little bit 19 of what's going to happen? 20 (VOICE IN BACKGROUND) 21 You bet your ass he does -- sure. 22 Oh, he's --23 He's going and he's going to make it good for 24 you people.

Him and that guy are good friends, right?

1	Yeah.
2	Him and that guy are good friends?
3	yeah, real good.
4	Real good?
5	I'm - I'm serious. I know that kind of
6	Y'know
7	I can understand why you would be a little
8	concerned.
9	I am in a I'm in a bind here and ya know
10	Kantor got transaction, everybody got transaction really.
11	we're here, ya know. That ain't right either.
12	Okay, so let me just go back to this. All right,
13	I can spend all day telling you, y'know, you ain't got
14	nothing to worry about, y'know.
15	I know, but still ya got to go there. This is
16	got to happen, and I don't know who knows who here. But
17	apparently
18	Pollack and Judd are close.
19	Are close.
20	They both like each other. Y'know, he's gonna
21	tell him, "Hey, these guys, y'know, did this for us."
22	All right.
23	Y'know, like I said, you don't have anything to
24	worry about because you would be telling the truth.
25	Well, he knows the work; he's much more than

22.

I will and that's why I am not familiar with it and I would like to know a little bit about it.

Okay.

I don't mind --

Take it back, okay?

All right.

Get, get into this stuff. Okay. San Sou San, y'know, place out on Mineola -- this is all your meeting with Gerry. I just want ya to know how this'll probably start. Okay?

He is gonna take this just the way it is. He's not gonna take anything out of context, is he? I mean, he ain't gonna start page 37 instead of page 1?

No.

He would gradually build the story, and go, like he did here, the case -- build it and come up from the lowest point to the highest point, whichever -- right?

All right, and then he probably collated into a certain degree, as far as statements you made in other 302's that refer to, y'know, either drivers or Gerry or something like that, say, y'know. Like sometime you came up with something different. Like, I know, like from the one -- I know it wasn't in one of these -- about how webster, y'know, was, y'know, uh, turning for home and he was able to back him up. Now, ya see, that's important that

1	that, ya know, in other words, in your opinion, ya know,
2	as you watched the race, he did that, or
3	Yeah, yeah, he wound up out of it.
4	Y'know the night that you watched it with
5	Hudson. In other words, you didn't see how Hudson could get
6	his horse out of there
7	Well, he actually made the statement first.
8	Yeah, but he did, and then he says to you,
9	Hudson says he will be out, out of it. See, that's the
10	important thing. That's what I am saying.
11	Well, what are these, all OTB's now, these
12	pictures here? Where's the other ones you had from the
13	track? What do they indicate?
14	What, these?
15	No, ya had charts
16	What these?
17	Oh, you got them. There they are.
18	These are just pictures of the ones that are
19	already up in court.
20	But yesterday I took notations off that and
21	then you gave me notations off the chart. What was the
22	difference between them? Those were track tickets and these
23	are OTB tickets?
24	Yeah, these are all OTB.
25	Yeah, and those are track tickets?

1 No, these are OTB, too, but there are track 2 records, too. 3 There are track records? 4 Yeah. 5 All those are OTB also? 6 Yeah. 7 I was under the assumption those were -- for 8 track, uh --9 wait, just a second --10 (PAUSE) (LOW VOICES IN THE BACKGROUND) 11 see, what I am telling you is -- in other 12 words, so it's a (UNINTELLIGIBLE) There's going to be a 13 logical progression, okay? Gerry; Monticello; how you 14 knew him; he made the statement to you, he is going to tie up the Supers. Now, see that to me was a key phrase, tie 15 16 up the supers." So you decided --17 Now, the wordage, I don't know, y'know, some-I know 18 thing was said and, y'know, "tie up the supers "/wasn't said 19 just in that paragraph or phrase, y'know, but that's the 20 way it is. Don't worry about it. 21 (PAUSE) 22 Now, what are we up to? We started, first 23 date is 70/2/21. What's the next one after 2/21? 24 Now hold it, before we get to there. That's

what I was telling you about don't matter.

'S &'

1	You got earlier ones than this, you say?
2	
3	
4	
5	
6	
7	DIERGROUND NOISE
	I don't know about this.
8	Uh? You don't remember anything about it?
9	This Super - \$452?
10	Yeah.
11	I don't recall those there. The place is there.
12	There's nothing about them two. This
13	there's nothing about him. I think you got the wrong race.
14	Okay, no.
15	Is that the right race you are referring to?
16	I don't know, y'know.
17	VOICE: See you later.
18	Okay.
19	See, in other words, like, at two of your
20	branches that day, we had no B or D, no Insko or Valendingha
21	And they were it?
22	Yeah. That's all I was thinking of. If you
23	remember the race, you remember; you don't, you don't.
24	Oh, see, right away you give me a program and
25	I look for horses that I assume were out. Now, these two,
- 11	

Oh, I am sorry.

1 Okay. One other thing --2 (BACKGROUND NOISE) 3 see, what I wanted to do first with you is to get the races under way for your notes, because, y'know, 4 5 the story like you said --6 (BACKGROUND VOICES) 7 That's gonna be a problem, the branch numbers 8 and all them. 9 You don't have to know them. All you have to do 10 is gonna be able to -- all you have to know is -- what you know, you can say, "I bet at William Street, I bet down 11 12 at Centre Street -- " 13 All I can say, I bet downtown Manhattan --14 there's two, three brnches --15 yeah. 16 Maybe four branches. 17 Like I say, they 're never gonna ask you on "Do ya remember 18 a particular branch, /what branch you went to?" 19 Oh, that's gonna be impossible, if you cross 20 check on it. 21 I know. That's what I'm saying, but do you 22 know where you bet? 23 What area --24 yeah. 25 -- primarily.

- 11	
1	Well, You can say with the Chinks, in Chinatown
2	I wouldn't say Chinks. You can say
3	Yeah, there might be a Chinese guy on the
4	stand, eh?
5	Oh, I don't know.
6	Are there Chinese people on that stand I mean
7	jury?
8	I don't think so.
9	Now, what's this Durham, Hanover perry
10	was just a complete inconsistency. Anything any time anything
11	he had/to say about him, it was just 80% wrong I'd say,
12	because whatever he had wrong with him, supposedly
13	Okay, so that makes (Unintelligible)
14	(Unintelligible)
15	Okay, because he left out
16	I made this punch?
17	3, 7 and 8 yeah.
18	Well, that's what Issay, you see, perry there
19	3, 7 and 8? (?)
20	Yeah. It was Bash you left out. (?)
21	Bash big punch? Who made this
22	punch, me?
23	Yeah 3400.
24	(COUGH)
25	I don't know what to say here.

1	Okay I am not, y'know there's no
2	Unless they keep conning them and blew the money,
3	I don't know.
4	No, they lost it because they left Bash out.
5	(BACKGROUND NOISE)
6	What race are ya up to there?
7	221, the last one.
8	It was the last one we did?
9	(?) (?) Yea, you got Insko, Meyer out; Shrink, King and (?)
10	Captain Richard, Macedonia Boy was disqualified, and they
11	pushed Insko up to fourth.
12	Okay.
13	Is that the one?
14	Yeah, so y'know you lost money that night. So,
15	in other words, now, going back on this
16	Iost
17	Right? You lost a fortune that night.
18	Which was this?
19	What night was that 21st?
20	21st. ·
21	(PAUSE)
22	You lost 4,000, which isn't that much. They
23	were all \$18 (unintelligible)
24	Lost 4,000 maybe it was bet at the track, too,
25	y'know. Ya can't tell.

You wo

track, too.

yeah, that's what I am saying -- you don't have
to know -- in other words, if I give you, like, figures,
and I say you lost 4,000, you don't -- you are not gonna really
know from your personal knowledge. I am not trying to --

well, if you have got it written down, the least you can say is you did your homework and it's 4,000 that we lost. That's the only way we can --

Well, y'know, that's what I am saying -- I say,

if I see a punch here for 4,000, what I am saying is -- uh -
It could easily have been a lot more. In other words,

what is most important is the stories that you gave us that

we wrote down, about what drivers were out and --

But you lost that night. Why didja lose?

In other words, this is what Michael is going to say, "Why did you lost?" Well, Macedonia Boy won and was disqualified. I mean, I can remember when you told must the story, how he was really upset about that, because you would have won a lot of money.

Mmmm -- what the hell -
I mean, that doesn't sound like -
Yeah, but they must have been punching at the

You have no record of that, punchin' at the trace.

You wouldn't know unless you won. Obviously,

Y'know -- I don't know what the fuckin' -What the hell is this -- 3/2, 3/3, 3/5 -- Where the hell is
2/28?

•	
1	(BACKGROUND NOISE)
2	You got the wrong book?
3	I think so That's, that's the wrong book.
4	
5	I can't get the dates.
6	For what? Isn't it in the one I gave you on
7	top?
8	No, there's no9
9	Here at the bottom of the page before
10	you get that, okay? How about that one? Maybe you weren't
11	there that night or something; maybe you weren't there.
12	I can't remember. Y'know, it's
13	Okay.
14	I don't know; it might have been punched at
15	the track; it might have been punched off the track. Did
16	I make a statement pertaining to this?
17	No, you didn't. I was just wondering. It was
18	a day like Brooklyn
19	Had a good night?
20	Yeah, they had 40 winners; Branch 29 had 8.
21	Y'know, okay. We did 28, right?
22	(BACKGROUND NOISE - FAINT VOICES)
23	Hudson and Insko out, where's that paper?
24	Huh?
25	Where's that paper, Hudson and Insko out?

1	Where's that paper, Hudson and Insko out
2	Where's the horses' names oh, I'm sorry;
3	you got it right here.
4	McNutt told you remember that Hughie told
5	you that McNutt liked this horse.
6	Insko and perry out Insko is No. 8; perry
7	is No. 7. No. 7 No. 9 No. 7 is Sterling Sparkle.
8	
9	Uhuh.
10	Insko, No. 8, Hobby Hill.
11	(APPARENTLY MUMBLING TO SELF) Out, out now
12	what? How much was won that day or lost?
13	You won, probably. That was bet at uh
14	OTB they left out Norman, and
15	Who was the 8 horse?
16	That don't seem right Insko.
17	Insko
18	This ain't Norman DuPlaise. This is
19	No, ∠I know.
20	I was taking it as Norman Duplaise, I am sorry.
21	Well, what I can tell you about this was there
22	was
23	You told me now perry is out and Insko is out.
24	Now you tell me Norman is out.
25	No, I am not. What I am telling you is what

1	you told us, how you remembered you bet 'em, from there.
2	I remember perry and Insko out.
3	Right, which is fine; you won.
4	No, you say Norman was also left out.
5	No, what I am saying is, in other betting
6	that day, that that guy Norman
7	I am not considering that. I am considering
8	about my side of it
9	Okay, just you.
10	Forget about other betting. I can't tell what
11	other people are doing.
12	Okay. You are betting most of it at the track.
13	Oh, you got no tickets to that effect?
14	Yeah, well, I have got LoMastro cashing and
15	some other people cashing.
16	Track tickets.
17	Right.
18	Well, what question would he ask me pertaining
19	to this, now?
20	He would ask you uh after the 21st, .
21	what's the next
22	VOICE: Excuse me (Unintelligible)
23	No, It's in the
24	VOICE: No, Tony took it
25	He would ask you, after the 21st, what was the
	next race that you remember betting for Gerry, okay, and

1	ye' would say, "The next race I remember doing any wagering		
2	for Gerry was the race of February 28." "What did Gerry		
3	tell you that night" or "What did Gerry tell you to do that		
4	night?" "Well, Gerry Forest told me that he had spoken		
5	with McNutt and McNutt liked his horse. So, I keyed		
6	McNutt's horse and I left out Insko and Perry." Okay.		
7	"Do you remember where you did your betting this day?"		
8	"I believe I did this betting at the track." "Did you win		
9	this day?" "Yes, I think I did. Yes, I'm sure we did."		
10	And I close that out and I got all the		
11	information I need on that.		
12	Do you have down there that uh McNutt		
13	Gerry had said that he had spoken with McNutt? "So, we		
14	I keyed McNutt"?		
15	Spoken (Mumbling)		
16	"So Gerry told me to key McNutt"?		
17	Gerry (Mumbling)		
18	(PAUSE)		
19	All right I am out of page here.		
20	Huh?		
21	(MUMBLING)		
22	28 now what?		
23	The next race "What's the next race you		
24	remember?" "The next race was March 1st." Okay? Here's		
25	March 1st.		

1	Where do I get the date for March 1st?		
2	Here, it's all there; it's still there		
3	Tomorrow night March 1st oh, yeah; I'm		
4	sorry.		
5	Oh, yeah, here. There's only two more things.		
6	That will bring ya down to the end of that's the end		
7	of the Yonkers meet.		
8	That's the last day the Yonkers meet?		
9	Yeah.		
10	Okay. That's going (MUMBLING)		
11	He was naming your man and you said that you		
12	remembered you won this night and you remember Gerry had		
13	told you to leave Insko's and Hudson's out. Let me finish		
14	that.		
15	Okay (BACKGROUND NOISE) All right (MUMBLING)		
16	We won that night?		
17	Yeah, you probably bet it at the track. You		
18	must have bet it at the track.		
19	We bet it at the track?		
20	Yeah, unless you bet it at branch		
21	I don't know I'll put bet at track.		
22	What are they, 4 and 8 horses? (?) (?)		
23	4 and 8, Ben Rahn , Van Insko, and some pat		
24	Hudson. We won you said we bet at the track right,		
25	bet at track. How much we won did that come into play?		

No.

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Dig that out?

yeah, you just -- y'know you won -- bet it at the track and I know we won.

Now, where do we go?

Y'know, see, Joe, again, all we are asking for y!know. /is what was the knowledge that you had. In other words, the only thing you remembered when you looked at that, the programs originally was on that night Gerry had told you to bet Insko and Hudson out; and they finished out. There's not much more that you can say about that, except that you bet it at the track.

> That's We start Roosevelm?

(BACKGROUND VOICES)

Roosevelt --

Now, Roosevelt -- Open that up again. I'll just give you an idea, y'know of things that -- in other words, like next -- Are you on the right page? Okay, okay you're on the right page. Like, all that stuff about George Bellis, I don't think is very important, y'know. The fact that you felt that Gerry sometimes would handicap during the Yonkers meet, y'know, I think, y'know, that --

Where do I got that? Gerry sometimes would handicap Superfecta -- (MUMBLING) That's all nonsense -that ain't gonna make no points with the jury.

1 Right. Well --2 He's not gonna bring it up. It's not beneficial to him, then apparently he won't bring it up. 3 Okay, I am just saying -- things, y'know -- The 4 5 fact that you went to Gilmour's house often -- in the 6 next paragraph -- is important, y'know, ten or twelve times. Should I write that down? 8 No, you are gonna know that, right? 9 I'll have this in front of me. 10 No, you won't. 11 I won't have this in front of me? 12 No. That's what I am telling you. 13 So, I gotta write this down, or is he gonna 14 lead me into this? 15 Now, what a minute. Here's the thing. You 16 remember what we said would be easy to remember and what 17 would not be easy to remember? Now, if he asks you, Did 18 you ever go with Gerry to any of the drivers' houses? 19 Yes, I went to Mr. Gilmour's home. 20 How often? 21 Ten, 12 times. 22 Okay, so then he'd ask you, What took place 23 when you were there? 24 Gerry went in the house and I sat in the car. 25 For how long?

1		Could be anywhere from one time he wasn't
2	even home, Gi	ilmour, and he was, y'know, out five minutes,
3	and another t	time, I could possibly wait 40 minutes; he had
4	supper with h	nim.
5	1	see. Usually what time of day was this?
6	P	around supper time, in the evening, around
7	5:30 or so.	
8	A	and after coming from Gilmour's house, would
9	he - uh - say	anything with respect to that night's Super
10	or anything?	
11	Y	You mean Gilmour?
12	N	To, Gilmour didn't come out of the house, Gerry
13	did.	
14	N .	No, that's what I mean, y'got to get that
15	straight.	
16	A	all right, when Gerry came back to the car
17	Y	eah.
18	W	as anything said about the Superfecta?
19	W	Then he come back to the car, y'know, he would
20	drive along a	and wondered how we punched our numbers. Y'see,
21	sometimes we	punched our numbers early and sometimes we
22	punched our n	numbers late, and sometimes there was no bet
23	at all. So i	f he come back and he said leave this one out
24	and leave tha	t one out, you left them out. Whatever he said

y'know, ya did.

4 5

Yeah. Was there anybody else that you ever saw at Buddy's house, Mr. Gilmour's house?

Just his attorney one time, that's 11. He's his next door neighbor, and I seen him put suits in the car, that's all.

## (UNINTELLIGIBLE)

Those are things -- now, you see -- that's exactly what I am saying. These are the type of things that I don't think you would need notes for.

No, well, as I said, it's the truth and you reel it right off. It happened.

Okay. Now, see, that's what I am saying to ya. That's why it's different between doing the races and doing this.

## (END OF FIRST SIDE OF REEL)

(NOTE: There does not appear to be any taping on the second side of reel.)

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He gave me the numbers and he said (Voices, inaudible.)

he was the one and there was a scheme. Didn't you get

upset, didn't you think he was -- (inaudible)

MR. KPAFT: I got to make a reservation.

(Inaudible.)

MR. POLLACK: Do you know who the last

MR. KRAFT: No, I don't know who the last lawyer is. He wants to talk to me about money

MR. POLLACK: He's the last one?

MR. KRAFT: I guess so. I don't know about

the others. I guess we'll chop it up.
Who else? We got

MR. POLLACK: / Bobick, Castellano? Who else?

MR. KRAFT: Castellano?



Rosen? Yeah, he's gone.

MR. POLLACK: Most of those lawyers gone?

MR. KRAFT: Yeah, he's gone. (Inaudible)
Yeah, he was in the box. But the next guy -like there was other guys into the scheme.

Were you getting involved?

MR. KRAFT: Oh, Mr. Cerry told him. Asked me

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Asked me about Mr. Fanning, Mr. Hilly, Mr. Hyerson, asked me if I was prepared here. He said he'd help me, we discussed -- we'd do things together.

Nobody tells me what to do. I have no direction from anybody. (Inaudible) (Laughter.)

Mr. Fanning, Mr. Hilly, Mr. --

Mr. Curcotte. We discussed the We were up until 12 o'clock record together. / at night. They helped me get it together, then the judge requested

(Inaudible.) If I made a mistake, I made a mistake. The foing was now. (Inaudible.)

There's a possibility that an error was made in all those charts. How many charts are there?

MR. POLLACK: Yeah, but they're ready.

MR. KRAFT: That they used me, and they said what do I think of you? Are you an honest guy?

Or you, you're the one, you came to me (Inaudible) you get the first hit together, -- you should throw me out the window. If you throw me out the window

MR. FOLLACK: I don't have to do that.

MR. KRAFT: (inaudible) I wouldn't have been here today because I was looking for a little

bit to go. He said did I trust you? (Inaudible.) He goes over to the farm again. -- Do you know Mr. Greenberger. (Inaudible.)

48th Street and Seventh Avenue, but keep your hands out of your pocket and just sit with your hands in front of you on the other seat. (Inaudible.) (Laughter)

MR. KRAFT: I don't know why I asked a stupid question. (Inaudible.)

Coing home or what?

MR. KRAFT: Yeah,

Drive you to the city?

MR. KRAFT: Yeah -- (inaudible)

MR. POLLACK: Wait a second -dicker around, they take up your time

MR. KPAFT: - It's hard to hold a horse back, an A-1 pacer.

Gerry's remark to me over the phone was substitute horses and the pacers, Al, A2 pacers. They won (Inaudible.)

No, I'll have to read through the file. I had to stay over in the city this morning, and do a lot of paper work.

(Inaudible.)

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This was case from Staten Island ----

meantime this canary bird, quit. He was near the railing.

So help me I heard that.

Were there any witnesses, do you

know, from OTB?

A juror got sick. They were all standing around.

Do they get paid?

Oh, they get paid, sure.

What do they get, like 20 a day? You blow money, don't you.

(Inaudible.)

Do you know the phone number at the

beach?

(Inaudible.)

This-guy finally made it in, you know. The jury quits at 4:30, I got to go back on the stand. (maudible.)

D-58

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Well, you know it all depends.

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(Inaudible.)

Three days.

The three days out of how many?

PollACK: But the Jury started to laugh. They tried to bring up the fact that Davie was the sucker.

That's right.

That was their argument.

That's what they're talking about.

This is what they're trying to say.

MR. POLLACK: And it was effective.

See, it isn't up to me to tell you -The below belling
to say anyplace there that the horse (inaudible.)

Kraff This ain't nobody's tout scheme.

MR. If I have to say it, I have to

say it.

Well, you knew it was no tout scheme. You went out there to beat me. You went out there to ---

MR. POLLACK: Wait a second, David. It's got to be the day you got the numbers from Junior, because that's the day he had eight winners on that list, the 22nd.

He didn't have eight winners. That's

24 XXXXX 25

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That's 34,000 already. 3 MR. POLLACK: --- this combination. XXX. MR. KRAFT: show this money in the program. Where could I get that? 6 (Inaudible.) MR. POLLACK: Sure it does. XXXXX Don't start me with the problem. (Inaudible.) 10 XXX No, he's got to be talked to. I 11 want him here Sunday. 12 13 Sunday? What time? XLX MR. POLLACK: 1267. 14 (Inaudible.) 15 XXXXX MR. POLLACK: That one win. 16 X" It don't win: 17 MR. POLLACK: It does. 18 MR. KRAFT: Does not. Get the program out. 19 MR. POLLACK: Tell I want to see him. (X 20 (Inaudible.) 21 XXX Is that the 22nd? All right. Give 22 me the one horse wins, right? 23 8, 7, 5, 2. That's the order of XX 24 finish. That's a \$37,000 wia. 25

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MR. POLLACK: The first The -- the day explains it -- you gave him numbers, one. He checked them, and won, and he gave this to you.

The number he gave me on the weekend was --

ACCURATE MR.

(Inaudible.)

MR. POLLACK: Well, the first day he met with you was the 30th.

Well, I'm going back, it was the 30th. That's the first time I --

(Inaudible.)

You were there, not me.

So I started earlier (Inaudible.)

Because the answer to that, apparently, he didn't have all six. If he had Insko on that date. why would he say Insko was ow

(Inaudible.)

He thinks it was lost to his

Credibility. (ia) Gerry took him. A My feeling was

that Cantor and Perry put that to rest. Not many

people agree with me. Leonard Katz, the Post,

the Washington News almost particles hand

(ia) because that's what we had.

MR. KRAFT: I had to agree to what he was saying.

MR. POLLACK: What he was saying was absolutely correct. If Gerry didn't give the money -you were a victim. Huh?

-- in the charts. It's

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different from the charts?

MR. POLLACK: No. It's the same but it's not consistent.

(Inaudible.)

We opened up the tickets and -

MR. POLLACK: It will have a

MR. PULLMAN: So was '72's,

MR. POLLACK: Take a year out of it. It's sometimes tacked on. What kind of an argument can we have if a guy is taking part in a fix and in his own mind betting against the fix?

MR. PULLMAN: No, I didn't do that.

MR. POLLACK: It wouldn't make any sense.

MR. PULLMAN: It depends on when.

MR. POLLACK : March 15th.

MR. PULLMAN: Oh, i, no good then. The argument's no good.

MR. POLLACK: Right.

MR. PULLMAN: No.

MR. POLLACK: The only one the column was on was Anthony Abbatiello. He bet against Anthony and he finished out. He's got to come across here.

MR. PUBLIMAN: I'll come across for you.

D-63

You can

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why I bet on him.

I'll come up with that.

(Laughter.)

MR. PITTURN. I had to say that.

(Inaudible.)

I think

MR. POLLACK: What/we have to do is you get off your fat ass and come out with the full truth now. You've been made to look like an ass and part of the reason is you will not give me the full truth. And the truth is your entire background in harness racing. Fixing Carmine Abbatiello, whi you went against Anthony Abbatiello, because you don't trust him. You don't trust him because he's crossed you in the past. Now, as long as you're going to hold that stuff back, I'm

MR. PULLMAN: He didn't cross me in the past. MR. POLLACK: Well, you knew he's crossed people. Right?

MR. PULLMAN: Well, that's true. Kell

MR. POLLACK: TEROYOU

Dave, we've got to pull it out because for God's sakes, you're telling the truth. And you're making yourself look almost a vaudevillian clown. Now, see, Joe doesn't have the problem. His area of expertise

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in harness racing is in a different sphere than yours is. Right? You're better. Well, what are you relating to? 5 MR. POLLACK: owner. 6 You were Don't Know on the MR. POLLACK: 8 paddock . (Inaudible.) 10 MR. PULLMAN: I know what goes on in the 11 paddock. I got Archer, I got Powers, you want to 12 know what --13 MR. POLLACK: Well, they'll tell you, right? 14 All right, my statement is this: I think 15 we're sitting very pretty right now. We're going 16 to definitely the motion, we're going to force 17 those sons-of-bitches to get on the stand, and I 18 think they're very vulnerable. But I think with you, 19 now, young man, you're going to have to get off 20 your horse and let's LAY harness racing out. 21 Now, harness racing doesn't owe you anything. 22 buddy. 23 MR. PULLMAN: No, it don't. 24

MR. PULLMAN: Well, what do you mean, get off the horse? What do I got to tell you to win this race? Nothing. 4 MR. POLLACK: I don't need you to win the 5 You race. 5 MR. PULLMAN: The case. 7 MR. POLLACK: The case. 8 MR. PULLMAN: Your case. We fact a Roces MR. POLLACK: The case. I don't need you, 10 K. What I mean is you're vulnerable to that found 11 (Laughter, inaudible.) 12 MR. POLLACK: You -- why do you think that 13 Gerry could tie up this thing. 14 MR. PULLMAN: This gentleman showed me some 15 numbers. I didn't bet it. They showed up exactly 16 ly like --17 MR. POLLACK: If this guy walks over to you and told you occorri 18 - that he could fix the 19 Knicks, and they happened to win the game, you 20 wouldn't buy it. 21 MR. PULLMAN: Let me tell you something. 22 harness racing, right? MR. POLLACK: 23 MR. PULLMAN: Let me tell you the story. 24 (Inaudible.)

2	MR. PULLMAN: Very bad analogy.
3	MR. POLLACK: What?
4	MR. PULLMAN: Very bad analogy.
5	MR. POLLACK: All right, why?
6	MR. PULLMAN: Because the odds are one to one.
7	MR. POLLACK: All right.
8	MR. PULLMAN: In a horse race, things happen.
9	How many horses are running. (Laughter) There's
10	eight drivers. (Inaudible.) Very Bold You know what I mean.
11	MR. PULLMAN: You go bet a basketball game,
12	you bet even money or six to five, or you're layin'
13	fifty-five to fifty. But fifty dollars on a horse
14	will give you maybe six hundred back.
15	(Inaudible.)
16	FINAL: In all the years I've been
17	in this business Joe's analogy is right. You can't
18	tie it together like that.
19	MR. POLLACK: But there's an
20	Even if it came up in the trial, you can't
21	the law.
22	MR. PULLMAN: It isn't in the law. It isn't
23	in the law.
24	? French I wouldn't buy what?
25	MR. POLLACK: Even that you some
1	thing like that. ONLY COPY AVAILABLE

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MR. DULLMAN: You're losing big money. 3 MR. PULMAN If you're talking about a T \$15,000 race -- you understand -- in other words, the greater the prof.Ethe less the chance, you 5 know, greater. Naturally, you bring the purses 7 down because the drivers don't get the purses, number 8 one. WE're talking this. FANNIC. Right. MR. PULLMAN: Even if the race is \$50,000, 10 most drivers a \$50,000 purse, 11 MR. Fullmen Most drivers get a \$25,000 12 purse they get 5% of that. 13 MR. FANNING 58. 14 15 MR. PULLMAN: You know? So what. 16 MR. When a jock at the flats gets 17 10. MR. PULLMAN: So this guy can go out and bet 18 a thousand on one of the horses going to pay 20 dollars, 19 what's he gonna do? 20 MR. K.: Joe, Joe, you got to remember 21 this, though. In thoroughbreds, they don't own the 22 horse. They're not allowed to own a horse. 23 MR. PULLMAN: No? MR. K In the harness game, if a guy

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if a guy drives that horse, knows that horse. So what's he going to do? Most of them own their own horse. If they're on a thoroughbred --

MR. K Most of them do.

MR. PULLMAN: Most of them do, right.

(In.)

You're sitting there shaking your head and you've got the greatest weapon in the world, and that's figures. The figures have the complete pattern of the print-outs of everything second in the whole OTB Section bear out what he told me, what he told them, what he told them, and went home with all the goddamn money.

MR. POLLACK: No, no.

yo-yo to give them three tickets for this schmuckso, and give him 503 of that (inaudible.)

Fullyou He got Three ticket, fun everyluly

MR. APPING: Let me ask you, Mike, something.

Okay, you think you re the

good griy. Could go

MR. FANNIAL right, do you think he was

touting Richard Perry? and the Vario's? Do you fould Rig The think/he was touting the Vario people?

1	MR. POLLACK: He was touting the Vario people already.	
2	MR. POLITAN: Oh, come on, they don't know	
3	the Vario people? The people in the jury box.	
4	MR. POLLECK: Let me tell you, I didn't know	
5	who Vario was until I got STILL Don't But  MR. FAMPLE Sorry Al, it's too little by	4
6		
7	me. Vario's been in and out of the papers for two	
8	years.	
9	MR. PULIMANI don't know who Vario is,	
10	all right?	
11	MR. FANNING All right, you're a Jersey guy.	
12	New York and I was	a
13	New York and I was	
14	MR. K-cev Well, I can say this to you.	
15	If your pattern ofor-	
16	MR. POLIACK: You got the guy with the	
17	Rolls Royce behind your	
18	MR. Farmey Yeah.  MR. FULLMAN: Which, the seller or the guy	
19	MR. PULLMAN: Which, the seller or the guy	
	that delivered to the house?	
20	MR. POLLACK: The seller.	
21	MR. Farmy No. He's in Florida. You want	
22	to Iring him up we probably can bring him up from	
23	Florida.	
24		

(Inaud.)

1	MR. HIS brother's down there. 18	
2	MR. made the call to the	
3	it was the wrong apartment. Do you want the	
4	number? I can give you the number.	
5	MR. folleck yeah. Will you check it	
6	against Vario? Check it now. Cause they're going to	
7	want to look there Monday. And put him back on the	
8	stand.	
9	MR. Well, I can assure you you	
10	can win this case just by showing the	
11	OTB Sct because nobody's buying that	
12	garbage.	
13	MR. Formy told you, I need 24 hour's notice	
14	Tell me and I'll bring him in.	
15	(Inaud.)	
16	MR. Production They made me look like the	
17	saperino on occasion. Well, that's what the job is	
18	to do is to make me look like I'm a yodel.  (A + MP Pull by went home and did his homework.	
19	the other attorneys d. And what are we going to say,	
20		
21	no?	
22	(Inaudible.)	-
23	MR. No, You know the telephone records	1
24	all over here	1
25	Jim and Cerry had that	-

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And they don't have any idea

where derry, or what arrangements you can make with

Terry?

MR. Farmy I don't know. Wherever you and Jerry put them, or told you to put them, I don't know. I assume derry didn't take them with him. because he went home.

Eddie, I don't know how you're MR. going to (Ia.) And they're the driver.

It's too fucking your hard luck. If you'd hit one, that first one

MR. famme I'm referring to the one about the one that we lost, or the first --

MR. Farmy Well still win that one back again, the one here.

MR. POLLACK: I'm not worried about the case, because as far as I'm concerned, you know the credibility is not going to last the trial. In the last trial you were the witness. In this trial they one witness, and win. It does destroy a /1 + HE • R Yearing. Even if they bring in all their expert witnesses

D - 73

TR. POLLACK: It does destroy an entire theory.

Even if they bring in all their experts, and all

that stuff appeared to be true, they can't destroy

those charts. They cannot explain a half a million

dollars being bet in one swoop.

MR. K: That's it. That's what I'm telling you is your baby.

Ilike you being ridiculed. I didn't like you being the ridiculed and I got the feeling the that fact of was coming from our desire not to open up all your background in harness racing.

MR. Knoff No, my background you see.

Vaguely describing my background by saying today

(Inaudible.)

MR. POLLACK: That didn't hurt you, no. WITH PIRK

COSS-examination.

MR. K This is wrong, right. You're right.

MR. What's this.stuff?

(Inaudible.)

MR. Kraff Well, what are you going to do when lasko --

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well, why don't you when you get up there you ask
me what my (Static). 'Insko was telling me where he
was supposed to be. Now, it's a record to yourself.
That's what -- you got to get up and do some homework.
How many times did Insko get lost when he's supposed
to get lost out of a period I told you he was going
to get lost. (Static)

but -- how many times he picked out, you know he picked out one or two professions they were mixed and they were hard to get the mixed post by one person by one (Inaudible.)

MR. FILLAR been some when MR. FILLAR There must have nights they were double-crossing. I don't know, somebody got_______

(Inaudible.)

MR. Did he win trose three dates.

MR. No.

MR. Yeah, he won the second, and lost-

MR. February second?

MR. February second, won G.

MR. Well, what happened to the date

that didn't show up? We proved the date that

didn't have _____ in there.

MR. POLLACK: I know.

MR. POLIA

That's why you have to MR. have a date in there.

> gebruary 6th, February 8th, MR.

Well, then you got to figure MR.

it out, see, date by date.

MR. AETUSO I see a lot of days that something happened you don't have nothing on 'em.

mention Persone K: Let me ask you, Joey, when you would hear Insko was going to be on, did you ever law him to be in the money, just to make sure?

MR. PULLMAN: Well, what the hell would I do that for? I got to be a nut to do that.

That's why you can't make MR. the argument because it cuts your entire prosecutorial theory. Well, that's why you got to MR.

go through it. I don't think there's that many.

Oh, there are, there are, MR. there's too many.

Well, we have to see why we made that error. Why did I bet and what shows what. It's very possible, when I said that, he wasn't out that day.

. would you take Dave MH. up to the Courtroom? Those tickets are right under

February second, March -the table. / In fact they menot even on February. There are certain tickets right on the Clerk's counter. Those are the ones Manused. Take a look. , 4 MR. He did it from the tickets or he did it from the printout? Right from the tickets. 7 The tickets. It was in that box all night. He 8 pulled them right out. In fact, one bag--G MR. POLLACK: The sixth of Fabruary 10 he hasn't even testified about. 11 What he testified about on 12 the sixth of February brings up two bags. 13 He's got two, three bags of MR. 14 losers. 15 MR. fillAck Now that was our vulnerable 16 period all/along, because he never could detail 17 when he stopped betting through Joe and getting 18 the information directly from Cerry. 19 MR. forming That's right. 20 MR. POLLACK: So the sixth doesn't bother me 21 that much. He's still fuzzy on that and we can't 22 but words in his mouth. 23 No. MR. 24 MR. POLLACK: So we got hurt on that. But-

D - 77

5

MR. Kuff What's the difference whether I bet it or Joe bet it?

MR. POLLECK: No, the only thing -- the crux is -- I'll tell you, the crux is he never sees a bet.

The crux that they were able to prove is that he never sees some ming on those drivers.

MR. Pollock Right.

MR. Yeah, the crux is that that's their defense. They changed their -A they don't have a defense. They're working at cross purposes with one another.

MR. MEYELSON Yeah, but that will be the main thrust now. The main thrust of most of them at the beginning was that by percentages you can beat it. Now I think that --

MR. Now I talked to Leonard
Katz and he said Gerry will take the stand. Now I
think that Foldi will want to admit it.

D-78

	2)
2	MR. POLLACK: That's what I felt, Joe.
3	But the reporter who's been having lunch with the
4	defense counsel
5	MR. He won't take the stand.
6	MR. POLIACK: Then he's going to take the
7	stand or take the blame.
8	MR. Because he takes the blame
9	that he beat me he beats the whole case and
10	gets nothing.
11	MR. All right, you guys probably
12	are right. I'm not arguing.
13	MR. Do you understand when he
14	gets out of beating me he gets nothing.
15	MR. I happen to still believe
16	what Joe said.
17	MR. What?
18	MR. He's not going to take the
19	stand.
20	MR. POLLACK: My feeling is either.
21	MR. Now, just a minute.
22	MP. Look,
23	MR. POLLACK: Now, let me explain what's
24	happening. Let me say what Katz said
25	MR. know what Katz said. I

1	26 '
?	heard about it.
3	MR. Listen what I tell you.
4	MR. POLLACK: He said it's a lot of pressure
5	on the guy to take the stand.
6	MR. Who's Katz?
7	MR. POLLACK: The reporter for the Post.
8	MR. The reporter for the Post?
9	MR. Yeah, what you just read.
10	MR. Let me tell you something.
11	If he takes the stand  MR. What does he know?
12	MR. He's having lunch with the
13	quy.
14	MR. Yeah.
15	MR. If he takes the stand,
16	if he takes the stand,
17	MR. Who does he know, what
18	drivers does he know?
19	MR. Gerry.
20	MR. Most of them. Known them
21	for years. Used to cover the flats harness.
22	MR. Listen, you listen to
23	reporters?
24	MR. No.
25	MR. POLIACK: He's been having lunch with him

1	
2	and the is what he said, there's a lot of pressure
3	on
4	MR. You're listening to
5	reporters? You're sick.
6	MR. POLLACK: Well, I don't know.
	MR. He won't do it. He'll listen
7	to it, but he won't do ic. He's not going to take
	the stand. I mean why is he standing trial? THe
9	other, the rap for the other
10	
11	MR. He wouldn't take anything.
12	MR. What?
13	MR. He doesn't take anything,
14	if he goes that route.
	MR. He goes that route, either
15	he convinces the jury/he touted me
16	
17	MR. Then there's no conviction.
18	MR then he's got nothing.
	MR. And then the next and
19	then in the
20	
21	MR. That's all manana. That's
22	manana.
	MP. Yeah, but he's admitting it
23	in Court.
24	
25	MR. So What? He's going to
	ONLY COPY AVAILABLE
	D-81

1		23
2	MR.	In front of the same judge.
3	mR.	So what? He's going to get
4	a year	
5	MR.	In front of the same judge.
6	MR.	Did he offer a bribe to
7	Cantor?	
8	MR.	Did he offer a bribe to
9	Perry?	
10	MR.	What happened with Cantor
11	and Perry? We got b	back to the people at the trial?
12	MR.	Yep.
13	MR.	I don't know.
14	MR.	Haven't got it
15	MR.	They're hedging now.
16	MR.	says that there
17	was a scheme to bet m	ne
13	MR.	Who is?
19	MR.	The people at the track.
20	MR.	What track?
21	MR.	Yonkers and Roosevelt.
22	MR.	out of this money.
23	MR.	What are they saying?
21	MR.	Well, he he mentioned it,
25	but it was a jobe.	D-82 ONLY COPY AVAILABLE

		30
2	if it is, then Mr. Perry's	got some really serious
3	problems.	
4	MR.	That's the point.
5	MR.	Because then she lied to a
6	criminal grand jury. H	He said it wasn't a joke. So
7	he's lying to us.	
8	MR.	Yeah.
9	MR.	And who is our witness?
10	Mr. Clark and Mr. Dubir	n and
11	MR.	Yeah, what time were you
12	⇒ MR.	Fosner:
13	MR.	What timewere you landing?
14	MR.	8:02. 8:02.
15	MR.	In the morning.
16	MR.	In the morning. Wake me up
17	when it touches down, w	ill you?
18	MR.	Tell 'em I said say hello.
19	MR.	We couldn't get on a plane.
20	We had it was full.	
21	MR.	Tell the boss Thorney (?)
22	I said hello.	
23	MR.	And we have return flights
24	at 2:00 o'clock in the	afternoon.
25	MR.	i appreciate it.
		ANILY COMY ALIAN

25

Mr. K The way we can beat this case by admitting to anybody that he beat me to a tout.

MR. Why don't you think that he'll take the stand, Joe? I don't either.

MR. I don't think he'll take the stand --

MR. Right now he's strong.

MR. (continuing) -- from -- I don't know what's going on. All'I know is what I read in the paper. In the opinion I got --

MR. Very strong.

MR. (continuing) -- he wouldn't take
the stand unless one of them drivers got hurt.

And right now he's hurting nobody. Right?

Because he would protect them. That's the type
person. That's the reputation he had, let's say
that.

MR. Yeah, but how would be be able to protect anyone else?

MR. Take any method.

MR. By bearing the brunt of the whole thing.

MR. If --

Mr. He didn't bother with them.

1	. 32
2	MR. No, if in fact they were getting
3	hurt by saving that they were bribed
4	MR. That's great. That's marvelous.
5	MR. If you had testimony that said
6	a driver was bribed
7	Mhen are they going to the
8	deliberations?
9	MR. For Gerry. That's an awful long
10	time between summation and charge.
11	MR. What good would it do to take
12	the stand in the kind of situation like that?
13	I mean how can you see them getting hurt except
14	in that way?
15	MR. Oh, I think he'd do everything
16	to help them, that's all, I would think.
17	MR. No, I would think so too. The
18	only thing
19	MR. Doing it now.
20	MR. (continuing) yeah, but the only
21	thing I would say is if he
22	MR. What's in the Post now? Anything?
23	MR. Yesterday's.
24	MR. If you were to take the stand
25	to protect all the drivers, he's still got to take

· 1.

the guilt for Cantor and Perry. And assuming we have testimony against other drivers he's got to assume the guilt for bribing them.

MR. You got testimony, --

MR. Yeah.

MR. -- that's something you would know.

MR. But what I'm saying, you have to, you know, --

MR. Well, everyone's very glum. I'm not glum. I'm going to tell you why. We still got good witnesses coming up. You, if youtestify, to the things you told us -- (Background conversation:)

MR. The case is six weeks.

really hurt 'em. Take one little thing. Are you going to the part or are you not going to the party?

Right? Ohay. What does a man tell -- say that to a guy for on the telephone every day?

MR. Right.

Mit. Come on.

MR. American Airlines. (Background conversation)

	MR. As I said, just wake me up . Okay.
3	Bye. (Background conversation) Thanks Sean. You
4	couldn't get me on the nine o'clock, huh?
5	MR. There was only two flights we
6	could have otten all day. Eight o'clock or eleven-
7	forty five. And the guy was very good. I he
8	got us on the early bird special.
9	MR. Sunday. You and I will spend Sunday
10	MR. What time?
11	MR. Iwo.
12	MR. And we'll talk to the assholes.
13	MR. Right.
14	MR. I'll be on time, too.
15	MR. What?
16	MR. I'll be on time, too.
17	MR. Who will?
18	MR. Me. I'm never on time. Why
19	not?
20	MR. Do you have his stuff? Are
21	you going to come in? You don't have to.
22	NR. You need a day off anyway.
23	MR. Can I have the stuff you're
2.4	working with Text of .

Yeah.

m.

23

24

25

(Inaudible.)

MR, Let's keep it here, Mike, so --

MR. May I refrain from saying it.

I don't know whether I was right or wrong. I just--

MR. That's -- that is what we have.

MR. -- (continuing) didn't want to say it when we were working, I kept asking Harry to get it I didn't want to say I looked at these also to check out my figures.

(Background: Here are those 302's.)

MR. Why -- why can't you --

MR. Huh?

MR. Is it wrong to say?

MR. You can look it up.

'R. He's allowed to look at the charts,

wasn't he?

Mell, what happened was he shouldn't say he looked at the charts. He's dead if he said he looked at the tickets. The charts are a summary of the tickets.

like -- there are inconsistencies. Let me tail you something. He was, a thousand times better than when he worked on the Turcotte trial. He was composed, he was at ease, he was articulate.

23

24

25

He thought before he spoke. He only answered the questions. Whether Daniel did it, it's something that's going to happen. It's -- the whole thing is suspect to this. And if our plan was right we close the door at the very end, as we intend to do. Let's let them walk down this tout scheme. Because you see -- now the difference is too, he's going to be a tougher guy. Ha's a serious natured guy. He takes everything very to heart. Now the way I read is they're going to look at Joe as a big lumbering guy, and I'm not going to guess his sense of humor and dry wit. And that dry wit's going to be disconcerting to them, seriously.

> MR. Hold on,

(Inaudible.)

MR. He says a lot of guys will come back with the quick repartee. If you think you got him he's going to give it to you. He's going to sock you between the eyes. He won't give it to me. He's got it. He'll sit there, and you can see him thinking up how to avoid answering a question. He must have waited forty-five seconds with his eyes rolled to back of his head before he answered whether he

2	had been to Liberty Bell within the past three weeks.
3	He was not he lied on the stand. He'd been there.
4	He saw He was not going to answer
5	it. And that hurts. The same way his arranging
6	a fix for Carmine Abbatiello should be brought out.
7	The Judge has specifically ruled I can get prior
8	similar acts in. He won't give it to me. He's
9	going to give me just enough to what he thinks
10	will get me a conviction. And that's what's hurting
	us. Because by trying to hide stuff, he's
13	
	afraid to speak extemporaneously. And this is
13	my problem with him. But other than that he was a
14	MR. He was a different man. He
15	wasn't contentious, he wasn't fighting with them.
1.6	He was sitting back there enjoying it.
17	MR. He was good.
18	MR. Answering his questions.
19	MR. What ha's saying to you isn't a
20	criticism. It's just nature.
21	MR. PORGACK: I've got to get off my chast too.
22	MP. Fair enough. What are you saying?
23	MR. PO LACK: You know you I'm not blowing
	my stack. I felt bad
24	my beach. I have broad an

MR. POLLACK: I felt bad, not for the case, because our case has not been hurt. I felt bad for you. They were laughing, but they were laughing at you.

MR. PULLMAN: Let them laugh at me, because when I walk out of here, that's the fucking end of this whole situation and my day is over.

MR. POLLACK: Fine. Fine.

MR. POLLUDN: I am done. I will start to laugh. Okay?

MR. Okay.

MR. KROLF I've done all I can to help you.

I'll do everything I can to get you where you want
to get your position, and believe me, he can
call me cocksucker, anything he wants up there, I

will stay composed. He can make a dunce out of me,
he can show me anything, I agree, because I tell you,
I know you're going to spring the fucking trap
in the end. And if he found an error in my work --

of it. I would like them to take this trap. See, what we did, we put Cantor on first to try to cut the tout scheme off. And he did. They really didn't go at it too hard. But also with Dave I had nothing

else. Because if Dave was telling the truth they're all dead. So the only thing they can do with Dave is -- MR. Of course I realize that.

MR. -- (continuing) that the others had knowledge and he's being touted.

MR. Polici: Look, I'm not made at what they thought I looked like up there because I leave this place, then I'm done.

MR. And then, he was too willing to go with them. He knew it wasn't a tout scheme.

He knew it not because Gerry told him it wasn't a tout scheme. He knew it because he knows the track.

He knows what goes on.

MR. I know, but I can't argue with them. He's showing --

MR. POLLACK: He knows everything.

MR. -- (contining) He's showing what I'm doing wrong.

MR. It's not only possible, but it's working. He knows. You don't win seven and eight Superfecta tickets in a night. You sist don't do it. Right?

MR. I did say to him I

else. Because if Dave was telling the truth they're
all dead. So the only thing they can do with Dave is

MR. Of course I realize that.

MR. -- (continuing) that the others had knowledge and he's being touted.

MR. PULLMAN: Look, I'm not made at what they thought I looked like up there because I leave this place, then I'm done.

MR. And then, he was too willing to go with them. He knew it wasn't a tout scheme.

He knew it not because Gerry told him it wasn't a tout scheme. He knew it because he knows the track.

He knows what goes on.

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MR. POLLACK: He knows everything.

MR. -- (contining) He's showing what I'm doing wrong.

MR. It's not only possible, but it's working. He knows. You don't win seven and eight Superfecta tickets in a night. You just don't do it. Right?

MR. I did say to him I that I --

that I -- you know, it's easy to bet money when you're losing, you know --

MR. I didn't say, you know, they

MR. POLLACK: You know, you don't -- you don't

get that number of tickets. What was happening

was you guys -- he -- he got so greedy the number

was coming -- the price was coming down, you're

MR. That's the -- that's the answer.

less.

MR. When you gamble, it's similar,

like you win and you -- you begin betting more.

MR. Right. But --

MR. Right.

winning more and (inaud.)

MR. (Continuing) -- but to bet Superfecta's, the way he was, --

Right. There has to be a pattern.

race, what are the real guy's chances of winning seven and eight, ten, twelve tickets in a night?

Twice a week he hits.

MR. Yeah, that's exceptionally rare.

MR. POLLACK: And you consider that over a period of three months, it's inconceivable.

MR. PODLMAN: Of course it's inconceivable.

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22 23

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MR. POLLACK: It's got to -- he's got to have those two horses. See, you didn't make a

MR. PULLMAN: Yeah, but they're going to conterd, you know, that he's touting, and this and that.

MR. Yeah, but they don't have the figures, the final figures that I had in my pocket that you were going to bring out.

MR. POLLACK: That we'll bring out. That will help us out.

MR. See, that we won \$114,000.

MR. POLLACK: It was \$114,000.

MR. How much did he spend?

MR. POLLACK: He spent 280 and won about 400

MR. \$390 -- \$399.

MR. POLLACK: 418.

MR. PULLMAN: I'm sorry, --

MR. POLLACK: It's about that figure. I don't think -- you got the right figure.

MR. PULLMAN: You got the right figure. You're right.

MR. POLLACK: But he did win a lot of money, and the reason he considers it a loss is because

1		. 42
2	he gave Gerry	
3	MR.	How much did you spend?
4	MR. K	Just a minute, sir. (Laughter.)
5	Don't give me that.	
6	MR. POLLACK: Yest	terday at one point, he got
7	to a point	
. 8	MR.	Listen to this.
9	MR.	He went for 10%, don't
10	www.metworry about it.	englines in the activities without the energy we observed the him
11	(Laughter.)	
12	MI: POLLACK: Tor	nmy, I got to talk to you
13	about the other night.	
14	MR.	Joe
15	MR.	I know.
16	MR. POLLACK:Is	Gaffney? still
17	here?	
18	- MR.	Yeah. Got the other what?
19	MR.	Will you ask her to get me a sodal
20		She's on her way out, I'll
21	bet.	TO SERVICE TO THE SERVICE OF THE SER
22	MR.	Just a minute.
23	MR.	Want to talk to me?
24	MR.	Yeah. Just for a minute.
25	MR.	SameI

1	1 43	
.2		<i>:</i> .•
3		
4		
5	5	
6	and and subtract and	
7		
8	MR. You said 200 and some odd,	
.9	90 thousand?	
	This is wrong.	
10	MR. Is it?	
11	MR. Certainly is.	
12	MR. Why?	
13	MR. Because you want \$465,000	
14	MR. We added it on the day that	
15		
16	MR. Your ass, you added it on.	· ·
17		-
18	MR. Okay, then I'll change it	
19	stay, each 111 change 10	
20	MR. You want 150 you want \$165,000.	
21		
ŀ	MR. Yet you mean.	
22	MR. Yeah. Now that I handled	
23	your money, give me some money.	
24	(Laughter.)	
25	MR. Now he gets his 10%.	
- 11		CONTRACTOR OF STREET

Must be a quarter.

Yeah, want to be an eight-

(Laughter.)

Eight-percenter. No,

the eight percent wasn't big on that. That's -

Your cloak and daggars must

be having more terminology, that day he ever heard. in his life, you know, holy shit.

He's a fine lawyer. Very

He ripped into you.

He didn't yell at you, did he? What are you jamming up for?

Oh, no, he's the perfect

Easy.

He did his homework. went through all the fucking book. He found two bags that we didn't use, for one day of showing a

MR. I'll tell you, the lawyer sets the quiet as far as drivers now.

25

23

MR. LNU Yeah.

MR. FULLMAN; What I num.

You know, the fact that he's with Mark Myers, with Tom Myers, you know, he fits.

MR. ICEPT Oh, yeah, Sterenfeld's a piece of shit. And this other guy, what's the guy that represents me --

MR. HILLY He's Sterenfeld's next door neighbor, Buddy Gilmour.

MR. ILRAFT

Teknowit: 2 30.

MR. He's got horses. Of course

Same with Tong Sisti, Fucking

MR. HILLY: House a reporter. Newsman

MR. HILLY I wouldn't be surprised if they run the bank film, they see Sisti in there with an OTB jacket, (laughter), --

MR. Puruled Hey, hey, I'll tell you what-MR. Him That's possible. Anything's
possible. People told us that.

MR. HILLY So don't laugh.

MR. Pull MAN My mind is always open.

a mistake on the stand when she said she might have seen Tony a sister cashing. People call us up and say don't laugh at that, fellows, because if you're -- if you run that film, is may be honest.

1	46
2	MR. Wu Yeah, but what days are they
3	running?
4	MR. HIW' I don't know what the hell
5	they're running. I don't know.
6	MR LNU I'd love to see them.
7	MR. KAAFT These lawyers
8	MR. Yourden't have to see them.
9	MRN4 Hu?
10	MR. HILLY: You don't have to see them.
11	MR. Kilder He's worried, because the
12	guy was losing
13	MR. What?
14	MR. HILLY If we're splitting the 25,000.
15	We're taking 12,500, they're taking 12,500.
16	MR. Sam, I - I - I -
17	MR. Why are we taking it?
18	MR. Pur Man You had the numbers and you
19	didn't bet. That's all I know. (inaudible.)
20	MR. JURAFT Hu?
21	MR. KRAFT Who asked the Government
22	for the film? Cost 25,000 for the film and the
23	time it's going to take to run them off. (laughter.)
24	I don't understand it.at all.
25	MR. LNU; Sure. You can't believe

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what a pain in the ass that is. You know those films, you know, instead of watching something that runs like a movie --

MR. ICAFT They're shuttling off. They'll shut 'em off. Slides.

MR. POLLACK: Yeah. It's the type of thing where it runs -- it runs every -
NR. PULLMAN: I've seen them.

MR. POLIACK: -- (continuing) every ten seconds.

MR. ICLARY You know where I seen 'em?

In a heart deal. I watched a heart deal, I watched a heart work in a hospital, and they have camera like that, where they took the film of the heart, and they—they were slowing it down so you could see every move of that heart. So you got every frame. They show you frame for frame.

MR. POLLACK: You go crazy, honest to God.

MR IMATT: I watched my brother-in-law's heart in Cleveland Cleve. That's where I seen that kind of a camera. Fantastic, but camera.

MR. KAAT Hey Bear, what did you come over with, you got a car?

MR. PULLMAN: Yeah.

MR. KRAT: You know, they said to me don't you think this is a tout system? I don't know.

MR. KRAFT I assumed -- I was disgusted,

yes. I was upset. You see, I'm waiting for him to

it. Why was I upset? I got a plan that works

I was getting

for him, and it sounded like/a weak sister.

MR. L/Ju. You mean the night you got cut out of the \$8,000? Super.

MR. KRAFT I'm planting also that he advises me that there's other groups that he -- that now I find that I got competition, and that is why it has been so many more tickets, and it's decreasing decreasing, and I could never win enough now to with I -- . ever recoup -- I better get out of this scheme, because it stinks.

(Laughter.) we me get the plane

MR. I gave him, you know, ammunition--

MR. Pullman You got to come back Monday Gien.

MR. KRAFT Well, yeah, you see, in the cross-exam I figure they'll come to me with that what I said in there, that we kept saying what do you feel that he will be -- was you upset? I said of course I was upset. Anybody's upset when you lose

money. I --- to tell
about it. You know, why didn't you quit? Well, I
didn't quit. I thought I could win more. I would
have quit if I won a lot in a hurry. I would have --I had all intentions of quitting.

(Background: Allow me. Laughter.)

because I thought the day would come when I could hit a real big one, but that diminished. I'm not planning that so he could --

MR. David, I think that they'll (inaudible)

well, I -- I don't give me Lown what the guy made See, let me tell you this. I pleaded guilty and if this fucking guy walks out of here --

MR. LNu: They won't walk out of here.
You won't walk out with them.

MR. KRAFT: I pleaded for nothing.

I'm a winner.

MR. / WLIMAN Oh, you're all right, if everything's gonna work out all right.

MR. Puller They got problems after this.

Mr. KRAFT: You got to fucking believe they

1			KRAFT: you better fucking	
2	got pro	oblems after this		
3		MR. FULLMAN	You got no more problems.	
4		MR. KLAFT	I got no more problems.	
5	Either	way.		
6		MR. FULLMIN	That's what I told him.	
7		MR. Pull MAN	You know their story is that	
8	they go	ot us in IRS and	all that shit.	
9		MR. KRAFT	Ha-ha, they got other things	
10	happen			
11		MR. Pulletion	You ain't got that problem.	
12		MR. LRAFT	He tells me that they're	
13	gonna 1	nave track proble	ems. Isn't that what you	1
14	said?			
15		MR FATITIONS	Joe Fanning.	
16		MR. KRAFT	And all that baloney. (Ia.)	
17	is a la	ittle shit.		
18		MR. PULLMAN	They want no pressure up there	
19	They -	-		
20		MR. LAAFT	No, they don't want	
21	nobody	wants		
22		MR. PULLMAN	Nobody wants to rock the boat.	
23		MR. ICRHT	It's just he's he's	
24	crazy.	We don't do it.	If he rocks that fucking boat	
25	you se	ee the ship. He	got to take the guy off the	

1			51'
2	top te	n or else.	
3		MR. LNu	He starts taking us out more.
4		MR. KILAFT	You start shaking the fucking
5	tree, th	e cocoanuts and	the H-Bombs will out like
6	beer. (	?)	
7		MR.	Yes, yes, look (Ia.)
8		yeah, look,	
9		MR.	I'm going to talk to somebody,
10	not ton	ight. Well, I'l	l see you Sunday. Right.
11		MR.	Stay well, will you, Joe?
12		MR.	Goodnight, gentlemen.
13	1	MR.	So long.
14	1	MR.	Joe, take care huh?
15	1	MR.	Joe?
16	1	MR.	Huh?
17		(Footsteps.)	
18	1	AR.	Joe:
19	ı	AR.	Yeah?
20	М	AR.	Let's go, hu?
21	N	IR.	Yea.
22	N	IR.	Don't you want to have Davey?
23	No?		
24	M	IR.	What? (Ia.)
25	M	IR.	Isn't he, all right. I thought

1		. 52
2	he needed a ride.	
3	MR.	No, I'll give him a ride.
4	Sure, no problem.	
5	MR.	Has he got a car?
6		I thought he was with you.
7	I'm sorry.	
8	MR.	I thought he was going with
9	youse.	
10	MR.	You don't plead for nothing.
11	MR.	You testify, that's it.
12	You're not involved.	
13	:1R.	That's your argument.
14	MR.	You're you're an
15	intelligent	
16	MR.	Your argument is sound.
17	MR.	He gave you dough.
18	MR.	Yeah, yeah, he's going home
19	now.	
20		You got a car? Dave, have
21	you got a car?	
22	MR.	Yeah.
23	MR.	All right, no, I was wondering.
24	He says you didn't have	
25	MR.	How do you think I got here,

1	Side 2 of April 19, 1974 tape. 1
2	MR. What's the difference? You
3	bet and you lose anyway. It ain't the horse's fault.
4	It's the driver's fault. He went too far.
5	MR. Hey, take it easy, Selter.
6	MR. Where's Pollack, upstairs?
7	MR. What's in the News, Pat?
8	MR. Any lies today?
9	(Conversation in background.)
10	MR. That was Freehold, right?
11	MR. Liberty Bell.
12	MR. Oh, Liberty Bell?
13	MR. It looks good.
14	(Papers rustling.)
15	(Inaudible.)
16	MR. Yeah.
17	MR. Here.
18	MR. (Conversation about horses
19	in the paper.)  They were out on the racetrack.
20	I IIICY WOLL
21	You get ahold of them and they won
22	or eight in a row.
2:	Inaudible.)
2	while the investigation
	5 was going on

7 8

what was going on. (Ia.) When it comes to the breaking point where it all breaks, they say,

Hey, we're all, you know, --

MR. Oh, I see. You want publicity. Yeah, but he's helped him pretty much anyway.

MR. Yeah, but when it comes down to the end --

MR. It comes down to not really interagency. It comes flown to personalities, just a few personalities.

MR. But you did really, your know, go out on a limb for me.

MR. Get all the horses transferre and he could race. There's no problem there.

MR. I don't know. (Inaudible.)

MR. Because he wants to_

any tickets David Kraft had. He told us.

MR. I don't know.

MR. By three o'clock. Now, he wants to ______ these and multiply it by 3,000, right? This is what it should have been.

D-109

1		4
2	MR.	Right.
3	· MR.	Okay. Where's my pal
4	Seymour?	
5	MR.	He's here. Don't worry.
6	MR.	Is he really? Are you going
7	to let him go home?	
8	MR.	He's got nice things to
9	say about you.	
10	MR.	Oh, I love Seymour. He's a
11	helluva guy. I just acce	ept people for the way they
12	are and nobody will ha	ave a problem. Everybody will
13	be happy.	
14	MR.	Okay, but your name won't be
15	there, right?	
16	MR.	No, I don't think so.
17	MR.	Joe, why don't you go get
18	MR .	Okay, those are the photostats
19	right? (Rustling	g of papers.)
20	MR.	You'll need your notes for it,
21	right? (Inaudible.)	There's also
22	MR.	He's in there, what's his
23	name, uh, Dillon?	
24	MR.	Yeah, he's in there.
25	MR.	No, well, I still say,

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you know, I see that judge and I just say that two things, you and the other guy, youse don't know the judge, right?

MR. Pollack's told me he's all right. you know, and I feel very discontented.

No, it's a problem. Now you tell me don't worry about it, he tells me don't worry about anything, I don't know. What do I know? (Ia.) I don't even know the guy..

MR.

Who?

MR.

sent
Pollack. He's/from Washington.

MR.

What do you mean, Pollack ...

came from Washington?

MR.

He was never in this office,

was he?

MR.

Sure he was.

MR.

Oh, I'm sorry, I got the

wrong impression.

MR.

Oh, no, he's been here all

along.

MR.

Oh, then he knows the --

MR.

Yeah.

MR.

-- judge.

MR.

He had the -- you know the

4	1	۲		
1	í	,		

Jacobson trial that involved Jacobson, shylock?

MR.

No, I'm not --

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MR. Or whatever it was. He was handling that. Myerson was simply taking people through the Grand Jury stages.

6

MR. Oh, Oh, I see --

8

MR. Pollack's been here for three

9

10

MR.

I thought they brought him in

11

special.

years .

12

MR. Oh, no, no. Michael's been maybe about

13

here for, I guess /four -- three years, I think.

14

Because I nau a case with him two and a half years

15

ago. He knows Judd very well. I mean it's

16 17 the type of thing where basically as youknow, we've

18

told you where -- where it's just a matter of

19

taking a plea and that's it. Because it's going to

20

MR. Well, what about IRS? Did you manage -- that's taken care of too, isn't it,

21

he said I don't have to worry.

23

MR. Well, IRS, the idea with

24

them is that -

MR.

be, uh, you know --

25

In other words, whatever you

tell them, they'll do?

MR. Yeah, in other words, as far as IRS is concerned,— what they're concerned about is the fact that anything you cashed, you were cashing for Gerry, you weren't cashing them for yourself.

MR. So you'se'll take care of them. I won't have no problem with them.

MR. Well, there'll be some -in other words, -- did you file for the last year?
Did you --

MR. Gerry and Fanning says --

MR. Did you file for last year?

Did you file?

MR. I'm all right. I -- I --

didn't file yet. I got an extension.

MR. Yeah.

MR. Because I -- I -- my records are over here.

MR. Yeah.

MR. But Barry says I got no problem there, he says he take care of IRS and I wouldn't have no problem.

MR. You're not going to have a

D-114

problem with IRS.

MR. Well, with the judge, -- rou know you're here and he's there, and you give me absolution, and uh, you know, guy's got cancer. You can't help the guy. It's like throwing holy water on the poor face of the guy who's got cancer. you know.

MR The judge in this case is a judge that when Michael says this guy was cooperative, you know, that's it.

MR. You still ain't telling me nothing.

MR. Well, I'm telling you about as much as I can tell you. In other words, it's like what Joe said yesterday, we can sit here, but we can't make promises to you. But by the same token, we say that -- you pull the shit that

MR. Well, how can I believe you.

if you can't tell me a promise?

MR. Because we can't -- we can't do that. We can't haveyou get on the stand and say were any promises made to you.

MR. Well, how could I say

- 11			
1	MR.	Yeah. 10	
2	MR.	In other words, you're	
3	saying you control the	judge?	
4	MR.	Yes.	
5	MR.	You control the judge.	
6	MR.	Yes.	
7	MR.	You or	
8	MR.	Michael,	
9	MR.	All of you?	
10	MR.	All of us.	
11	MR.	You all control the judge.	
12	MR.	Right.	
13	MR.	All right.	
14	MR.	And, in other words, anything	
15	that is done is		
16	MR.	Well, we'll talk to Michael, a	and
17	see what else he has to	say.	
18	MR.	Okay.	
19	MR.	So he can put my mind at ease	
20	on that. As long as y	ou say you control the judge,	
21		her words, he's got him in	
22	his hip pocket.		
. 23	MR.	In other words, what	
24	what Michael recommends	when Michael goes to him	
25	and says this man's be	en cooperative, I recommend	

MR. MYERSON: Well. It's the type of thing when Michael gets on the phone and says, "Judge," and they tak, "Listen --"

MR. PULLMAN: They have to make a deal before the --

MR. MYERSON: Listen, why do you think people aren't in this case? It's because the Judge said to Michael, "Listen, Michael, I really don't want all these. I want this, I want that." Michael says, "Okay, we'll do it your way." By the same token. Michael says to the judge, "Listen, I'd like to do this, I'd like to do that," that's the way it's done.

MR. PULLMAN: In other words, how come these guys got immunity and I can't, like Del, I feel like I'm discriminated against. They're all nice Jewish boys, they give them immunity, and there's a nice Christian lad sitting here and I can't get immunity. I feel like I'm discriminated against.

MR. MYERSON: I thought you were Jewish.

MR. PULLMAN: Not me. Does Pullman sound like a Jewish name?

MR. MYERSON: Huh? Seymour told us you were Dewish.

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MR. PULLMAN: Well, Seymour he'd -- he'd understand. See, he tells lies he don't even know he's telling lies about, as far as he goes, Christ. you know, I don't know (Ia.) you say the judge and him are real close and --

MR. MYERSON: They are, really. I mean,

Joseph, you have nothing to worry about in that regard,

and I'm not telling you as an adult telling a twoyear old child. I'm telling -- I'm talking from

experience, from what I know has gone on in this

case. Now, that's the same way --

MR. I imagine some guys down there ain't like cancer, either.

VOICE:

Myerson.

MR. MYERSON: What? What?

VOICE: Telephone call, Robert.

VOICE: Telephone. Hi Joe.

MR. MYERSON: Tell him how close Michael and Orrin are.

We're starting on that again.

MR. PULLMAN: Give me some absolution already, will you? They're throwing holy water on me.

MR.

Which line? .

(Inaudible.)

MR. PULLMAN: He's telling me that Michael
is real close to this Judd, and I ain't got nothing
to worry about and he's got him in his hip pocket like
MR. Please.

MR. PULLMAN: This is between me and I, all right. Whatever you say, you know this is all off the record.

MR. In other words, you're worried about the other thing still.

MR. PULLMAN: I -- yeah, IRS you says I don't have to worry about that or nothing. You'd take care of that and there'd be no problem.

MR. Well, the only thing you have to worry about with IRS is paying the money that you got.

MR. PULLMAN: Well, what I declare, and what I deduct, that's my problem.

MR. Right.

MR. PULLMAN: Yea. You ki w --

MR. Well, if the rest of it is all turned over to Junior, you don't--shouldn't have to worry about that part of it at all.

MR. PULLMAN: No, like I know you (Inaudible.)
you're helping Dave in here an awful lot, you know.

MR. POLLACK: I'll help anybody that helps us, and that's all I can promise anybody. That I'm going to say to you that you're going to walk away from this I'm not going to say that. Do I believe you are? Certainly I do. But I'm not going to tell you I did, but you got to take the witness stand and --

MR. PULLMAN: Yeah.

MR. POLLACK: -- swear that I never made a promise--

MR. PULLMAN: Yeah, well --

MR.POLLACK: And I'm funny that way.

I'm a funny son-of-a-bitch. I want you to go

up there --

MR. PULLMAN: I guess you got reason for that, but still, you know, like I said, it's like the guy throwing holy water on they guy that's got cancer. You're cured, don't worry about it. You know, but the guy's still got cancer.

MR. POLLACK: Right, okay --

MR. PULLMAN: So this is right here now.

MR. POLLACK: Then what are you worred about?

Tell me exactly what --

MR. PULLMAN: Because I got to go see the D-122

judge. And I don't -- you know, I don't know how he rolled out of bed. He might be annoyed that day.

MR. He might be annoyed?

MR. PULLMAN: You know, that he had a bad night.

MR. I have no idea.

MR. You cooperated with the Federal Government. He hasn't had a bad night in twenty years, this judge.

MR. PULLMAN: Well, I don't know. I mean if you're close to somebody fine, the way he says it.

MR. You're right there.

(Door opening and closing.)

(Static.) (Inaudible voice in background.)

(Door opening and closing.)

MR. Dennis isn't here now. I thought Dennis was in his office.

MR. Dillon?

MR. (Ia.) to tell you exactly

what the story is. All right?

MR. PULLMAN: Dillon can tell me?

MR. POLLACK: Yeah, he'll explain it to you.

He's upstairs. So if he comes back I'll have him

come in and see you.

MR. PULLMAN: All right.

MR. With him, all we have to do

is _____ with the garage. All we have to do

is call up an hour before we need the guy.

MR. Okay.

where the guy says I don't want to spend the whole day sitting down there. I only have to come, you know, twenty minutes over there.

MR. Right.

MR. How many, one say?

MR. One guy. Rawlins on an eight to eight shift at the other garage

MR. Okay. Can you contact him tonight? Do you know the number? Like when you go nome. and everything's done, maybe pick up the phone and tell him the same thing? But tell him that he can come, like at say eleven o'clock. I'll try to get him in and out. Or if he could come -

MR. He's working an eight to eight.

MR. All right, so how about and two o'clock? It's only one day in his life/he gets twenty dollars for it. What can I tell you.

D-124

D-125

MR. All right, the only thing
I can tell you, Joe, is this isn't the first time
Pollack's gone through this. It certainly is not
the first time Dillon's office has gone up to a judge.
They know what the judge is going to do. Uh, Dillon
walk in and Pollack walk in and say "Joe Pullman,

in his sister's name. There's no doubt about it.

you're going to walk up and the judge is going to up and give you a suspended sentence. Right? You might get what, two years' probation? No big deal. Right?

MR. PULLMAN: Yeah.

(Ia.)

MR. Okay. But can he walk in here and tell you that? No.

MR. PULLMAN: I don't know, -- it's something -
MR. Because when you get on

the stand and they ask you, they say, "Mr. Pullman,

did Mr. Dillon or Mr. Pollack promise you anything?

MR. He wants to know, all the Jewish guys got immunity ==

MR. PULLMAN: So the -- the Christians got --

MR. The Christians --

MR. PULLMAN: Us Christians --

MR. Didn't Seymour tell us he was D-126

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Jewish?

MR. PULLMAN: Cantor got immunity, this guy
Myer got immunity, --

MR. Seymour told us you were Jewish.

MR. PULLMAN: Ah, you know, I feel like it's terrible.

MR. You guys were gone when Seymour said he was going to punch him out one of these days.

MR. PULLMAN: Ah, come on, don't -- oh, no, he was --

MR. He don't punch Pollack out.

MR. PULLMAN: That guy, he told me he was going to shoot Gerry yesterday, so now he's going to punch me out, so that's all right.

MR. Threatened Pollack Thursday.

MR. PULLMAN: For what?

MR. He said he was going to punch your head right off.

MR. Pollack?

MR. Yeah.

MR. PULLMAN: He's gonna punch Pollack's head right off?

defense has a tape of him trying to take Gerry

down.

MR. FULLMAN: Do they? Did it come out?

MR. We know they do.

MR. PULLMAN: Jesus Christ.

MR. You know, that he was pressured --

MR. PULLMAN: Well, from the taxicab?

MR. No, well, when his kid got in trouble, tried to shake him down for a couple thousand dollars.

MR. PULLMAN: I didn't know his kid got in trouble.

MR. He was picked up for shoplifting, something like that.

MR. PULLMAN: I met his kid once in a motel up there where he was. He brought him up one time there. The day he made the paper. I brought the News up there to show him. His kid was there. But I didn't know that. All right, he says he'll send Dillon in later and then they give me some more reassurances.

MR. Okay. you're on the stand now, okay?

MR. PULLMAN: Okay.

MR. You got your notes. You'll say, no, they'll say well, how -- where did you make how did you make these records? And you say I made them from my memory from the races, having reviewed my notes, having reviewed the statements I made to the FBI, reviewing the programs from the track and reviewing betting records. You'll have to say that.

MR. PULLMAN: I have to say that?

MR. Yeah. They'll --

MR. PULLMAN: Do I make notes on that then? What you just said?

MR. Well, can't you remember it?

MR. PULLMAN: Well, if I gotta.

MR. If I ask you, you know, like

under -- how did you -- how did you make these note.

MR. PULLMAN: I can't say I came down here and copied them off? That's not right?

MR. POLLACK: You didn't copy them off.

MR. PULLMAN: I copied them off the statements that was given to me--

MR. You were given --

MR. PULLMAN: -- given to you.

MR. You were given an opportunity

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to review your statement and made notes from them.

You didn't copy them --

MR. PULLMAN: I told you you got to write that down.

MR. POLLACK: Okay, make note then.

MR. PULLMAN: There's a lot of papers around here.

(Papers rustling.)

MR. POLLACK: You had an opportunity to review-by the time you get on the stand you shouldn't
need this. The statements you made to the FBI, uh,
programs.

MR. PULLMAN: Programs.

MR. POLLACK: And OTB records.

MR. PULLMAN: The track records?

MR. POLLACK: No.

MR. PULLMAN: Programs and OTB records.

You got no track records?

MR. POLLACK: That's right. Well, yeah, it's okay, OTB and track records. I'll say track records.

MR. PULLMAN: So what, you showed me track records and OTB records and programs.

MR. POLLACK: Uh, ---

MR. PULLMAN: OTB REcords and the track.

An opportunity to review that statements I made to the FBI, also programs and OTB records and track records.

MR. And from them and your personal--

MR. PULLMAN: Programs.

MR. --And your personal memory and recollection, you made these notes. I made these notes. Okay. So where do these notes come from?

MR. PULLMAN: I had an opportunity to receive the -- my statements that I made to the FBI, the programs and OTB records and track records, and from that --

MR. And my personal recollection and memory., --

MR. PULLMAN: Personal recollection, --

MR. _ I made these notes.

MR. PULLMAN: -- I made these notes.

MR. Okay. I go through your name and alias. Mike will probably ask you if you're ever been arrested.

MR. PULLMAN: I say yes.

MR. Yes. What were you arrested

for?

MR.

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In the paper he pops up?

MR. PULLMAN: No, he pops up. I don't know who the hell he is. Like you know, cashed this and that.

MR. He's a guy that -- I wish
I knew. He's --

MR. PULLMAN: You don't know what he is either?

MR. I know who he is. I have
a picture of him in the bank. This guy is standing
in the bank in the back, leaning against the counter.

MR. PULLMAN: No, I -- I don't know who he is.

(IA.)

MR. (Ia.) -- Seymour, driving around about Gerry and the drivers.

MR. PULLMAN: When now?

MR. Seymour claims he used to hear a lot of shit from you, second-hand stuff, like uh, how the hell does Gerry have the drivers the way he does, and he'd say if he cracked the whip or something, they'd come into line, and all that shit. If Gerry says --

MR. PULLMAN: He's sick. That man is sick. He's sick in the head.

MR. Seymour is?

MR. PULLMAN: You know he's sick. I mean he can't

-- he says things, the farthest things from the truth
I have ever said. I mean I don't even know why
he would say something like that. Look, it happened,
I'd tell you it happened.

MR. Yeah. I know.

MR. PULLMAN: I mean it doesn't mean nothing to me. I don't --

MR. He says when he would travel with you--

MR. PULLMAN: But I don't --he's going to get up and tell one story somebody else --

MR. But that's exactly what --

MR. PULLMAN: But once you start telling lies you're dead, because you ain't gonna remember them lies.

MR. That's right. That's right.

MR. PULLMAN: And then -- and he -- I'm telling you he's a sick man, that guy, boy. He tells stories. He's starting already with these stupid stories. Cracking whips, and all that nonsense. He was cashing?

MR. Um-hmmm.

MR. PULLMAN: What was this, a fictitious name?

MR. No, real name.

MR. PULLMAN: Exists, he exists, this guy?

MR. Yeah, his brother, we know his brother. No, he's the type of guy -- he's got to be a friend of Gerry's. He comes up with some of Forrest's tickets. But the thing is, what he probably was doing is was cashing for a driver that we feel. We say that because he only cashes one ticket at a time, and he'll cash like from Forrest's batch, Forrest batch and --

(Knock on door.)

MR. Come in.

VOICE: Where's Myerson?

MR. He's not here.

VOICE: Myerson's not?

MR. No. And so that's where -you know in other words he's been, you know, sccoting
around, he was out in Queens someplace. His brother's
being called in because his brother knows where he is.

MR. PULLMAN: Does he work or --

MR. Part-time, house painter.

MR. PULLMAN: Look at this fucking crook up there telling bullshit He's sick.

MR. I thought that this guy might even be a friend of somebody like George

1 2 MR. PULLMAN: Maybe. Did you show that to Judd? 3 MR. No, George moved out from 4 up there. I don't know where he is now. 5 MR. PULLMAN: He moved out? 6 Yeah, in other words, he was --MR. he was just living -- he was living --7 8 MR. PULLMAN: It was like a room he was living 9 in they tell me. MR. Yeah. 10 MR. PULLMAN: And he had his business out there 11 and then he moved from there. 12 Yeah, he was, yeah -- he MR. 13 knew only about the first -- like the January 14 part of this. 15 MR. PULLMAN: Yeah. 16 He didn't stay as a client MR. 17 long. 18 MR. PULLMAN: OH. 19 I mean MR. No,/I saw his records. In 20 other words, he just didn't _____. He was 21 interviewed and all. Okay, so (static) obviously 22 you'll be asked about your record, you're got three 23 arrests, you know, stealing cars when you were young, 24 that's all. I'll --25

1	30
2	MR. PULLMAN: All right.
3	MR. I'll let you into the other
4	office.
5	MR. PULLMAN: Name some people.
6	MR. Well, you're not going to
7	know Vario, you're not going to know Bruno, Facciolla,
8	I don't think.
9	MR. PULLMAN: No.
10	MR. The name doesn't mean anything
11	You would be a friend of Richie
12	MR. PULLMAN: I don't know none of the
13	Brooklyn people at all.
14	MR. Right. Gaythorne Angell,
15	the ones you'll know will be drivers, Gerry and
16	Richie, as far as I can tell you. The rest
17	MR. PULLMAN: I don't know all the drivers.
18	I know some of them. I don't remember.  MR. Yeah. I know.
19	MR. PULLMAN:
20	Myer and them I never met in my life. I might know
21	what they look like
22	MR. Yeah
23	MR. PULLMAN: but just at the track.
24	MR. Okay. That's understood.
25	You know

MR. PULLMAN: Even Coco I seen once. (IA)

MR. Uh, how did you come to

know Forrest Gerry?

MR. PULLMAN: Working in the San Suzanne.

MR. Now, first off, you have to figure out when you're going to testify you're going to have to be looking out, okay? You're going to have to pick up your voice.

MR. PULLMAN: You're a helluva coach, kid.

(Laughter.)

MR. PULLMAN: This is like a theater here or what? All right.

know. I'm not saying it for me. It's just the type of thing --

MR. PULLMAN: I know. It's for me, you don't want me slouchedtover, you want this, you want me to stand up and scream like crazy --

MR. Ah, no it's just that you know, it's something that -- to be conscious of when you're testifying. In other words, you can't look down and testify. The judge will, you know, could you raise your voice, Mr. Pullman.

MR. PULLMAN: Well, there's a microphone there,

MR.

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I know.

1	. 34
2	MR. Come on, let's go to the bank.
3	let's go.
4	MR. Where you going, to the bank.
5	Give me some money, Seymour.
6	MR. ROTHSTEIN: I'll give you money.
7	MR. PULLMAN: 10,000, you know, on the
8	I don't want no 15's or 20's now.
9	MR. (IA)
10	MR. Hey, you tell me that he
11	said those things about the drivers and the horses?
12	Didn't you tell me?
13	MR. I'm sick.
14	MR. Hey, you're sick. All right.
15	Tell me/ way you told. Go ahead. You're sick.
16	MR. Watch my suit.
17	MR. Hey, Seymour. Seymour.
18	MR. What'd you say?
19	MR. Tell me what you told 'em.
20	MR. What'd you say?
21	MR ROTHSTEIN: I asked him, who does he control
22	Gerry has in control.
23	MR. PULLMAN: You asked me who Gerry has in
24	control?

MR. ROTHSTEIN: Didn't 1?

2	MR. PULLMAN: You did not (Laughing).				
3	Goodbye, Seymour, have a happy. Coffee, drink				
4	coffee.				
5	MR. Is that the best you can do?				
6	MR. Not bad.				
7	MR. Best you can do. Where's				
8	your shirt and tie?				
9	MR. PULLMAN: I can't afford it. Ah, go 'way,				
10	Seymour.				
11	MR. ROTHSTEIN: Your fly is open, your pants				
12	is ripped.				
13	MR. PULLMAN: Oh, leave me alone, Seymour.				
14	MR. Close the door, Seymour.				
15	MR. ROTHSTEIN: Yeah.				
16	MR. Don't let it hit ya.				
17	MR. Didn't ya?				
18	MR. PULLMAN: He's a nice worker.				
19	MR. Didn't ya?				
20	MR. He'll be all right.				
21	MR. He may not go on.				
22	MR. PULLMAN: He may not go on?				
23	MR. They don't trust him.				
24	MR. PULLMAN: (Laughing.) I don't believe ya.				
25	MR. They don't. They wouldn't				

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2	let him on. I don't care what he says.
3	MR. Who will put him on? Is that
4	me you got?
5	MR. Oh, yeah.
6	MR. You don't trust Seymour. Who
7	in the hell's he got left? _How many witnesses you
8	got left.
9	MR. Oh, we got lots of people
10	to put up.
11	MR. Who?
12	MR. POLLACK: You mean besides you?
13	MR Yeah, who else is left?
14	MR. POLLACK: Well, see, the thing is what
15	they'll get is they'll get Pullman
16	MR. Yeah.
17	MR. And Sherman, hopefully.
18	Sherman they're close to. They should have this
19	weekend.
20	MR. Yeah.
21	MR. And then they've got, you
22	know, people about the Brooklyn group and what they
23	have.
24	MR. You mean they bring the
25	Brooklyn group into this? Then you got to start

another six weeks?

MR. What?

MR. The Brooklyn group.

MR. No, it'll be just about three more weeks. No, they don't think any of the witnesses are going to take that long, that they're not going to get caught that much.

MR. Well, are they going to try the same thing in the Brooklyn crew that they had here? So they're gonna have cashers, and --

MR. Well, they've already had more a lot of that. What we're talking about/now is the the involvement of/showing knowledge, of the drivers getting money.

MR. What do you mean, knowledge of drivers getting money?

MR. In other words, some way that other people either were with people, you know, like I say like get one person who can -- who actually paid, like Dale Rocs was paid.

MR. Yeal.

MR. You know, Dale Ross made a statement that he wanted a thousand dollars.

MR. Two thousand, is what was in -

That was for a separate race. His original thing was --There was another race? Yeah, they offered him 500. He says no, I want a thousand like the other drivers.are getting. How much better statement Oh, he made it himself? He's coming on the stand himself? No, he's not coming on. The The guy he said it -- you got nobody to collaborate that though? Just one Corroborated. What did I say --Collaborated. What the hell do I know? MR. See I'm learning. Every day you learn something That's good? Just that one guy's statement?

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MR.

MR. POLIACK: It's a statement against interest. The guy he made it to is a co-conspirator in the ase.

MR. PULLMAN: Yeah, but there's nobody there, like, so what? Doesn't it take two people to, ah, substantiate a statement?

MR. No, because you've got Cussell saying what he heard that somebody was -- that this guy was getting paid, and then you have the guy who was paying 'em.

MR, PULLMAN: This will be going on for three more weeks. But all you got is Kroman and Sherman, that's the end of the --

But Kroman and Sherman are good, MR. good witnesses.

MR. PULLMAN: But where's Sherman?

MR. He's down in Florida.

MR. He'll get 'em.

Oh, he's out running. MR.

MR. Oh, yeah.

MR. PULLMAN: How the hell's he going to cooperate with you if he's in Florida?

before the Grand Jury.

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MR. PULLMAN: Yeah.

MR. He -- if he gets on the stand and says I don't tell, then he can --

MR. PULLMAN: Suppose he takes the Fifth?

MR. Then you can admit his Grand Jury testimony.

MR. PULLMAN: If he takes the Fifth?
Because he ain't a defendant?

MR. Cause, yeah, because he'll be held in contempt.

MR. PULLMAN: Is he a defendant?

MR. He's a co-conspirator. He can't be added as a defendant now. But in other words, what we should --

MR. PULLMAN: In other words, if he takes the Fifth, --

MR. If he says I refuse to answer, ---

MR. PULLMAN: Right.

MR. He's held in contempt of

Court ..-

MR. PULLMAN: Right.

MR. ____ then you can admit his Grand Jury testimony.

MR. FULLMAN: And that's enough?

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MR. LNU. It's even better, because then you don't cross. There's no cross-examination. MR. PULLMAN: But that's admissible? MR. LNU: Oh, sure. He's testified to it under oath. MR. PULLMAN: Then you end Kroman and the other guy, I don't know. Okay, so where was I? MR. I was --MR. PULLMAN: Page one. We didn't get too far. we got to the San Suzanne, then we stopped. San Suzanne. Okay. Okay, how MR. long ago, you know, go into that. It was back when? MR. PULLMAN: Back -- I would say approximately ten years. I got no idea of time. MR. Right.

MR. PULLMAN: Just the approximate. I remember that.

MR. Then what? You met him ten years ago and then what?

MR. PULLMAN: I met him ten years ago, you told me where I met him.

> MR. Yeah.

MR. PULLMAN: I said I met him ten years

ago --

MR. How long have you known Forrest derry You've known him for ten years. How have you known him?

MR. PULLMAN: Through all the racetracks and all. I met him at the San Suzanne, and then some people at the race tracks, he used to be there more times. Number of times.

MR. Did you ever have dealings with him?

MR. PULLMAN: Dealings, you know I --

MR. Did you ever bet for him?

MR. PULLMAN: I asked him if he liked the horse or something, he told me to make a bet, but other than that he used to give me a couple of dollars to bet on a horse and he'd win or lose.

There was no -- nothing beneficial from knowing what' he was betting at that time.

MR. Yeah. Ah, during some time met him in December of 1972, when you / Le at Monticello Raceway.

MR. PULLMAN: Yes, I was up thers. I owed thousand him a few /dollars, and ah --

MR. Why did you owe him the money?

MR. PULLMAN: Well, he was betting a few basketball games when I was booking him, and I had no money and he got lucky and that's how I owed him the money.

MR. Okay, so you owe him the money now, you've paid him, right? So I paid him the money—

MR. PULLMAN: I paid him the money and ah, he was up in Monticello there, I gave him the money and I think he blew it in a couple days. He went to New York --

MR. Now, wait a minute, then what did, you know, you're -- you're betting on horses.

Is he -- are you betting the Supers up there, are you just --

MR. PULLMAN: Monticello?

MR. Yeah.

MR. PULLMAN: I'm betting Supers.

MR. Yeah.

But

MR. PULLMAN: /He's not betting with me, he's you know, either winning or losing but I don't know what he's doing. All I know is he's broke. I gave him 2,000, he winds up blowing the money in two days.

MR. Okay. Now, does --

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MR. PULLMAN: Then we proceeded to go Yonkers,
I was going to go up to New England and he told me
come on over to Yonkers and, hold it assecond,
we proceeded to Yonkers and he told me ah, that
we'd bet Supers over there.

MR. He told you he'd tie up the Supers, didn't he?

MR. PULLMAN: Well, he told me come on over, we'd bet Supers, and we'd win some money. So I don't know if he was bullshitting or what at the time because you know, he wasn't too successful at 'Monticello and there was drivers up there that raced in New York and I myself was skeptical at the time. 'Cause he was broke and anybody that's broke they say they got schemes, everybody's got a winner in the racetrack. Proof is if you got money. If you ain't got no money you got nothing.

First of all, in saying that, what you have to bring out is you is you were going to go up to New England, as you say, but he says, Come on, we're going to Yonkers because — to bet the Supers and we're going to make money. Right? I can make you some money. Actually, the first time you told us

he's gonna to tie up the Supers. At that time in the interviews you gave us the impression that because I knew from prior experiences with him, that he knew the drivers, right?

MR. PULLMAN: Well, I didn't know who he knew really.

MR. Well, you knew he knew drivers.

MR. PULLMAN: Well, I go -- you know I take a shot. I go anywhere with people if I could win money.

MR. Right, you -- you knew at this time that he was close to some drivers.

MR. PULLMAN: I assumed he possibly knew someone who knew what he was talking about.

MR. Well, you knew from his background that he knew drivers, right?

MR. PULLMAN: Year, but there's --

MR. Okay, but --

MR. PULLMAN: But by knowing the driver don; t mean nothing. You know you can know drivers and they hate people too --

MR. They do --

MR. PULLMAN: -- you know they're like other people too. Just because you know one driver doesn't

The idea was that you knew that Gerry was close to a lotta drivers and figured that you agreed to work with him, figuring he could make some money because you figured that Gerry was a man that knew what he was doing.

MR. PULLMAN: -- said that?

or not? The reason you're goin' along --

MR. PULLMAN: The way I said it, that's the way it happened.

MR. Okay.

MR. PULLMAN: There's, there's no ands, ors buts.

MR. Oh --

MR. PULLMAN: That's the truth, just the way
I stated it to you and, you know, like I say, you
say somethin' and then it's typed out. It's outa
context. You know, half of it's what you said and
there's a pa-- or portion of it isn't what you said.

MR. Okay.

MR. PULLMAN: And when you bind it together, it appears that what you said, but so you say the hell with it. You're goin to say it anyway. It don't matter. You want me to say it that way, I don't D-154

mean they're all your friends.

MR. Yeah, but the reason you were going along with them at this time is you figured what?

MR. PULLMAN: I figured I had a shot at making some money, possibly.

MR. Okay.

MR. PULLMAN: I didn't have much money. I had about 7,000, I put it up and I wind up blowing it anyway.

MR. And this being the third, the first time you did that for Gerry, okay?

MR. PULLMAN: Yeah.

Mk. You stated that, ah, when they got to Yonkers, when you get to Yonkers Gerry approached you and asked that -- whether or not you wanted to work for him because he was going to tie up the Supers. You stated --

MR. PULLMAN: Because I wanted to work for him. You make statements, I mean, I know I didn't make them.statements, ain't no way I made them statements and they come back that way. That's -- you know --

well, you were going to be

MR.

his partner, right?

right?

went up there, we went to the diner and we start

OTB

betting/-- we start betting the OTB Supers and he's

telling me this bullshit, this guy's out and that

guy's out and before I know it, I blow 7,000. And

that's exactly what happened. And now I think I'm

being had and -- or I was had, and I'm knocked out

and we got to go get a client now. Which is Kraft.

MR. But he is telling you when these drivers, he's saying what— he's saying what with respect to these drivers?

MR. PULLMAN: He's saying what. He's saying -- oh, he's telling me ah, you know, this one's out, and that one's out, and naturally, it -- it doesn't mean nothing because we blew the money anyway.

MR. How long did it take you to blow the 7,000?

MR. PULLMAN: About a week.

MR. Oh, it lasted that long?

MR. PULLMAN: Yeah, we weren't betting that much in the beginning.

MR. But, I'm just going back, okay.

care.

MR. Joe. My point is this. In other words --

MR. PULLMAN: You know: I just don't talk that language, like that.

MR. I know you don'.

MR. PULLMAN: I got my own stupid language that I had talked.

what the court will want to hear is exactly how you say it. All I'm sayin' is that when, when Gery approaches you in Monticello, right; when he says:

"Why don't you come to Yonkers with me? We can make some money there betting the supers", right?

MR. PULLMAN: Yes.

MR. You know that Gerry's been around the track a long time?

MR. PULLMAN: Yes.

MR. You figure he's got some sort of scheme; right, and you're willing to go along with him. You don't know at this time whether he's got the drivers or anything else, but you figure he's got a scheme and you're willing to take a shot; right?

MR. PULLMAN: Yes, I'm willin' to take one.

I said a thousand. I want one.

MR. Right. But you're figurin' also. You're not lookin' on this as if it's a total gamble. You're hopin' -- You're thinking from his background, that his scheme --

MR. PULLMAN: I'm in the game long enough to know everything's a gamble.

MR. Right.

MR. PULLMAN: There ain't no sure thing even if you bet a horse.

MR. Okay.

MR. PULLMAN: I mean I've been at the track a hundred times and I seen a guy's girlfriend come out and another guy bet a horse and a' a that non-sense, but it didn't win.

MR. Okay.

MR. PULLMAN: There was five people bettin'

race one
one horse at one/time we follow all people. I'm

an ex-hawk. I follow all these people.

MR. I know.

MR. PULLMAN: But that doesn't constitute a winner.

MR. Right.

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MR. PULLMAN: So there's nothin' sure in the racin' game.

MR. What I'm sayin' is/thirm

figure he's got a scheme and you're willing to

go along with him; right?

MR. PULLMAN: Yes.

MR. Ckay. You go to Yonkers

MR. PULLMAN: Yeah.

MR. You meet him in a diner;

right?

MR. PULLMAN: Yeah.

MR. Okay. So, over a week's period, he's giving you horses; you're betting with him. Is he putting up any money?

MR. PULLMAN: He's broke.

MR. He's broke. You're doin' it all on your money.

MR. PULLMAN: Yeah.

MR. Right, and you're not winning?

MR. PULLMAN: I got knocked out in a week.

MR. Right.

MR. PULLMAN: Made only about three pass but got busted out in a week.

MR. Three weeks he's tellin' ya --

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2	by horseback?		
3	MR.	Oh, I didn't know	•
4	MR.	No, what do you n	eed, a car,
5	Joe?		
6	MR. PULL	MAN: No, I'm all right. I	thought
7	you was the	y told me that you was stud	k for a ride.
8	MR.	No,	•
9	MR. PUL	LMAN: All right, I'll see	you Monday.
10	MR.	Yeah, I'm going h	ome.
11	MR.	How are you fixed	l, you
12	all right?		
13	MR. PUI	LLMAN: I'm all right.	
14	MR.	Need something?	
15	MR.	He'll take care o	of it.
16	MR.	Who?	
17	MR.	They give me the	phony card.
18	(Laugh)		,
19	MR.	You all right not	w, though?
20	MR. PU	LLMAN: Yeah, I'm all righ	
21	MR.	We'll see you Mon	nday.
22	Good night,	Rose.	
23		Good night, Joe.	
24	(Foots	teps.)	

End of Side 1.

